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County Government in Worcestershire 1603-1660.

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COUNTY GOVERNMENT IN WORCESTERSHIRE

1603-1660

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ABSTRACT

Seventeenth century Worcestershire was predominantly agricultural, but there was a significant amount of industry. Power and social prestige were associated with the ownership of land, but no single family dominated the county. A small group of magnates provided political leadership and filled the principal administrative offices, but those below the gentry played a significant role in both politics and executive government.

Westminster sometimes intervened in county affairs and the county was subject to the Council of Wales, but the important officials in local government were the triarchy of deputy-lieutenants, justices of the peace and the sheriff. Their power was restricted by their professional subordinates and the need to keep the support of the hundred and parochial officials as well as by the Council. Juries had an important role in county government.

The main administrative problems were the relief of poverty, roads, bridges, and the regulation of commerce. It was urban poverty which posed the greatest problems because the dispossessed poor concentrated in the towns at a time when industry was moving to the countryside. The Book of Orders improved the framework of county administration.

The sheriff was still the most important individual officer in the county. Most sheriffs were magistrates of about average wealth, though many were newcomers to the county. Most of the sheriff's activities were routine, but ship money increased the importance and revealed the weaknesses of his office. The responsibility for internal security the sheriff still possessed in 1605 was gradually assumed by the deputy-lieutenants. Attempts to improve the militia were unpopular, but they met with some success.

Criminal justice was administered by the J.P.s and the judges of assize. The latter gradually assumed exclusive responsibility for serious offences. The courts showed more fairness and less brutality than has often been thought.

Worcestershire politics were mainly localist, but the county engaged in the regional campaign against the Council of Wales, was involved in national religious conflicts and the agitation against ship money. North-south rivalry provided the only factional element.

Worcestershire was a stronghold of Royalism in the civil war, providing men, money and munitions for the King, but most of the gentry were moderate constitutionalists. Interregnum government was in the hands of a rump of pre-war magnates and men of lower status. Few Royalists were reconciled to the new regime, and many plotted against it. Most Parliamentarians retained their principles until the last year before the Restoration.

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ABBREVIATIONS

<i>A.P.C.</i>	<i>Acts of the Privy Council</i>
<i>Barnes, Assize Orders.</i>	T.G. Barnes (ed.), <i>Somerset Assize Orders, 1629-1640</i> , Somerset Record Society, LXV, Frome, 1959.
<i>Barnes, Somerset.</i>	T.G. Barnes, <i>Somerset, 1625-1640</i> , Cambridge, Mass., 1961.
<i>Black</i>	W.H. Black (ed.), <i>Docquets of Letters . . . Passed under the Great Seal of King Charles at Oxford</i> , 1838.
<i>Bodl.</i>	Bodleian (Library, Oxford).
<i>B.R.L.</i>	Birmingham Reference Library.
<i>Bund.</i>	J.W. Willis Bund, <i>The Civil War in Worcestershire, 1642-46, and the Scotch Invasion of 1651</i> , Birmingham, 1905.
<i>C.A.M.</i>	<i>Calendar of the Proceedings of the Committee for Advance of Money.</i>
<i>C.C.C.</i>	<i>Calendar of the Proceedings of the Committee for Compounding.</i>
<i>C.J.</i>	<i>Commons Journals.</i>
<i>Clarendon</i>	W.D. Macray (ed.), <i>The History of the Rebellion and Civil Wars in England begun in the Year 1641</i> , by Edward, Earl of Clarendon, vi vols, Oxford, 1888.
<i>C.S.P.D.</i>	<i>Calendar of State Papers Domestic.</i>
<i>D'Ewes (N)</i>	W. Notestein (ed.), <i>The Journal of Sir Simonds D'Ewes</i> , New Haven, 1923.
<i>D.N.B.</i>	<i>Dictionary of National Biography.</i>
<i>Dyer.</i>	A.D. Dyer, <i>The City of Worcester in the Sixteenth Century</i> , Leicester, 1973.
<i>Firth and Rait.</i>	C.H. Firth and R.S. Rait (eds.), <i>Acts and Ordinances of the Interregnum</i> , 1911.
<i>H.M.C.</i>	Historical Manuscripts Commission.
<i>Lambarde.</i>	William Lambarde, <i>Eirenarcha, or of the Office of the Justices of Peace</i> , 1619.
<i>Office.</i>	Henry Twyford, <i>The Office of the Clerk of Assize . . . Together with the Office of the Clerk of the Peace</i> , 1682.
<i>Ottley.</i>	W. Phillips (ed.), "The Ottley Papers Relating to the Civil Wars", <i>Transactions of the Shropshire Archaeological and Natural History Society</i> , 2nd ser., vi, vii, viii, 1894-96.
<i>P.H.W.</i>	W.R. Williams, <i>Parliamentary History of the County of Worcester</i> , Hereford, 1897.
<i>Reliquiae Baxterianae</i>	Mathew Sylvester (ed.), <i>Reliquiae Baxterianae</i> , 1696.

- Rushworth. J. Rushworth (ed.), *Historical Collections*, viii vols, 1721-2.
- Symonds', *Diary*. Richard Symonds, *Diary of the Marches of the Royal Army During the Great Civil War . . .*, Camden Society, LXXIV, 1859.
- Townshend. J.W.Willis Bund (ed.), *The Diary of Henry Townshend of Elmely Lovett, 1640-63*, Worcestershire Historical Society, 1915-20.
- Townshend, "Notes". R.D. Hunt (ed.), "Henry Townshend's 'Notes of the office of a Justice of Peace', 1621-3, *Miscellany II*, Worcestershire Historical Society, 1967.
- T.S.P. Thomas Birch (ed.), *Collection of the State Papers of John Thurloe*, 1742.
- T.T. Thomason Tracts, British Museum.
- T.W.A.S. *Transactions of the Worcestershire Archaeological Society*.
- Underdown, Somerset. *Somerset in the Civil War and Interregnum*, Newton Abbot, 1973.
- V.C.H. *Victoria County History*.
- W.C.O.B. Worcester Corporation Order Book, II.
- W.Q.S.P. J.W. Willis Bund (ed.), *Worcester County Records. The Quarter Sessions Rolls*, Worcestershire Historical Society, 1899-1900.
- W.R.O. Worcestershire Record Office.

I

THE COUNTY OF WORCESTER

Seventeenth century Worcestershire differed from counties such as Kent, Yorkshire, Cheshire and Lancashire in maintaining close links with neighbouring shires, the the large number of gentry families who were related by blood or marriage to those of the contiguous counties, and in the extent to which the magnates, and even some gentry with modest estates, owned land elsewhere.¹ Members of the Worcestershire magisterial class were frequently sheriffs or magistrates of neighbouring counties and a number of prominent J.P.s had their main residence outside the county.² Despite the close connections of the Worcestershire gentry with the rest of the West Midlands, the county was the principal administrative unit and the main focus of loyalty for gentry and common people alike. In Worcestershire, as elsewhere, men spoke of the county as their "country". The links with neighbouring counties meant, though, that the gentry of Worcestershire were more willing to act regionally than were their counterparts in more insular counties such as Kent and Lancashire.³ The Gunpowder Plot, the struggle against the Council of Wales, the organisation of both the Royalist and Parliamentary forces during the civil war, and the Interregnum plots of Royalist irreconcilables reflect a willingness to operate regionally and nationally as well as within the confines of one county.

The close ties of Worcestershire with other West Midland counties reflect both its lack of geographical unity and the absence of natural boundaries. Worcestershire touched Herefordshire, Staffordshire, Warwickshire, Shropshire, Gloucester, and, because of a detached portion, reached to the borders of Oxfordshire.. The central location of the county and the presence of navigable rivers made Worcestershire an important centre of communications and helped strengthen links with the surrounding region.

Six main roads crossed the county. The Oxford and London road entered the county near Honeybourne and passed near Evesham to Worcester; the Bristol road ran north and south through the county, linking Birmingham with Tewkesbury and Bristol; the road leading northwards from Worcester and then forking leftwards to Hartlebury, Kidderminster, the county border and

1 A.M. Everitt, *The Community of Kent and the Great Rebellion, 1640-1660*, 1966, pp.33-45, 328; J.T. Cliffe, *The Yorkshire Gentry*, 1969, pp.10-24; J.S. Morrill, *Cheshire, 1630-1660*, Oxford, 1974, pp.1-7; B.G. Blackwood, "The Lancashire Gentry, 1625-1660", Oxford D. Phil. thesis, 1973, pp.66-81.

2 *Infra*, pp.33, 54.

3 Everitt, *op.cit.*, 13-18; Blackwood, *op.cit.*, p.81. In these counties military effectiveness was hampered by localism during the civil war.

Bridgnorth, and right through Chaddesley Corbett, Belbroughton, Hagley and Pedmore to Stourbridge; the road from Worcester to Tenbury and on to Wales, which was the logical route for travellers who had proceeded to Worcester from Oxford on their way to Wales; the road from Worcester across the Severn to Cotheridge and Broadwas, across the Teme at Knightsford Bridge to Bromyard, Hereford and Wales; the road south from Worcester along the bank of the Severn through Kempsey and Severn Stoke to Tewkesbury and Gloucester.¹

These six roads made Worcestershire an important centre of communications as the main east-west roads passed through the county on the way from London to Wales and the north-south roads linked Bristol and the Severn valley with the West Midlands. In addition to their national importance, these roads linked all the main centres of population in the county.

Important for passengers and the carriage of light freight, the roads were unsuitable for heavy loads. In 1622 the Government banned four wheeled carts and all carts drawn by more than four horses in an attempt to prevent damage to the highways by the juggernauts of the age.² The requirement in 1640 that carts carrying provisions to the English armies in Yorkshire be drawn by at least three horses indicates the poor state of English roads at the time.³ Worcestershire roads may have been particularly bad even by the standards of seventeenth century England, for the sticky black soil of the Vale of Evesham provided such a poor foundation for roads that Habington wrote of "the fertile vale of Eushome and her fowle ways".⁴ In the north the carriage of heavy materials by the iron masters, such as the Foleys, who refused to repair damage caused by their loads, produced problems for all road users. In the Forest of Feckenham, too, the quality of roads was notoriously bad and was reputed to have become worse after enclosure was accelerated in the 1630s.⁵

For the transport of heavy commodities rivers were more important than roads. The Severn was navigable as far as Shrewsbury and its tributaries were important waterways from the Bristol channel into the West Midlands. It is not without reason that Nef referred to the Severn as

1 Bund, p.6, discusses the strategic significance of the roads in the civil war.

2 C.S.P.D., 1619-23, p.348. Proclamation 6 August 1622.

3 S.P.16/460/53. Worcestershire provided 17 carts and 50 horses. The standard military wagon carried only half a ton. (Information kindly supplied by Dr Ian Roy.)

4 Thomas Habington, *A Survey of Worcestershire*, (ed.) John Amphlett, Worcestershire Historical Society, 1895, i, p.195.

5 W.H.B. Court, *The Rise of Midland Industries, 1600-1838*, 1938, p.16.

the second most important waterway in Europe after the Meuse.¹ The significance of the river was enhanced by the fact that for much of its length it was tidal and free from tolls, an advantage to the user which outweighed problems of low water and dependence on special tidal conditions. Worcester was a minor inland port and Bewdley an important centre for the transfer of goods between the larger vessels which proceeded downstream and the smaller ones capable of going up to Shrewsbury. Development of river transport was concomitant with that of the coal industry and trade on the Severn consisted mainly of coal and other raw materials going downstream, manufactured and imported goods upstream. The one important exception was the shipping upstream of bar iron for tool making in north Worcestershire.²

The crucial importance of water transportation for heavy and bulky commodities is shown by contemporary estimates of the relative costs of road and water carriage. Most agreed that river transportation of coal cost only one tenth as much as land carriage and that the latter was uneconomic for distances over ten or fifteen miles.³ It is not surprising, therefore, that attempts were made to remove obstacles to river transport. The most important attempt at river improvement in Worcestershire during the early seventeenth century was William Sandys's project to make the Warwickshire Avon navigable. He commenced work in the early 1630s and received a patent from the King empowering him to charge a toll on coal in return for effecting the improvements. Despite opposition from the landowners led by Sir William Russell, Sandys spent between £20,000 and £40,000 on the project. One important result of improved navigation on the Avon was to make coal available in the Vale of Evesham and solve the acute fuel shortage which had long afflicted the region. Nevertheless Sandys was later to claim that the heavy expense had ruined him, for the civil war prevented his completing the work and receiving the one shilling a chaldron toll on coal which might have given him an adequate return on his investment.⁴ Sandys planned to improve the Teme but this scheme was not started prior to the civil war. In the 1650s and 1660s the river improvements started by Sandys were continued by Lord Windsor and Andrew Yarranton.⁵

1 J.U. Nef, *The Rise of the British Coal Industry*, 1932, i, p.97.

2 Dyer, pp.60-63; *Infra*, p.16; Court, *op.cit.*, p.10.

3 Nef, *op.cit.*, i, pp.102-3.

4 T.S. Willan, *River Navigation in England, 1600-1750*, 1936, pp.119-20. The London chaldron was about one and a third tons. Nef, *op.cit.*, i, p.96.

5 Andrew Yarranton, *England's Improvement by Sea and Land*, 1677, i, pp.65-6.

East of the Severn Worcestershire is low lying, only the north-east, Bredon Hill and Broadway having land over 400 feet, and most of the county is below 200 feet. West of the Severn the land slopes towards Wales, and the Malvern Hills are the largest of the many elevated areas which give the western part of the county a distinctive topography. East Worcestershire contains a variety of land types, the largest being the clay plain formed from the Lower Lias and the Keuper Marl. Along the Severn Valley there are terrace deposits of light alluvium, and north of Worcester an extensive area of light soils based on an outcrop of Bunter and Keuper sandstone gives the region its character. In the north-east is an area of higher land associated with the Birmingham plateau.¹ West of the Severn the numerous river valleys have alluvial deposits, the areas of upland, land more suitable for grazing than for cultivation.²

Agriculture was the most important economic activity in the first half of the seventeenth century and even workers in the developing industrial sector were not far removed from an agrarian way of life. Many metal workers, in particular, combined farming and their industrial pursuits.³ While the county may be minutely subdivided into areas of different farming techniques, three main areas can be discerned.⁴ The main corn growing area was the south-east, an area of open field arable farming, relatively high population density, tight manorial control and virtually no industry.⁵ This was classic champion country, an extension of the Midland plain.⁶ In it four field agriculture was practised and wheat, barley and pulses were the main crops. It is probable that ley farming was common in this area by the seventeenth century but the rearing of animals was always subsidiary to tillage. Paradoxically this area showed a slight increase in the amount of pasture in the early seventeenth century even though economic factors favoured cropping rather than pastoralism at the time. The reason was probably the need for more draught animals and sheep to manure the fields after the four course rotation had been adopted in the sixteenth century. In the south-east only demesne land had been subject to any significant degree of enclosure and these closes were normally reserved for the grazing of animals even

1 J.A. Yelling, "The Combination and Rotation of Crops in East Worcestershire, 1540-1660", *Agricultural History Review*, 17, 1969, pp.24-5.

2 J. Thirsk, *The Agrarian History of England and Wales*, IV, 1500-1640, 1967, pp.3, 104; E. Kerridge, *The Agricultural Revolution*, 1967, p.149.

3 K.McP. Buchanan, "Studies in the Localization of Seventeenth Century Worcestershire Industries", *T.W.A.S.*, n.s.19, 1943, p.48.

4 Yelling, *loc. cit.*, pp.26-30; Thirsk, *op.cit.*, p.3.

5 *Ibid.*, pp.102-4.

6 *Ibid.*, p.4

in times of high grain prices. Indeed the intensive cultivation of the south-east had virtually eliminated common grazing and created an acute shortage of pasture. In this area nucleated settlement was almost universal.¹

In the north and west the land was, in contrast, wooded, arden country, already substantially enclosed by the sixteenth century. Enclosure was by no means complete in the seventeenth century but far more common than in the south. In the north much of the land had never been cultivated as open field and many of the closes had been assarted directly from the woodland.² The considerable variety of local soil types and the greater flexibility of enclosed farms made possible a greater diversity of farming methods in the north. Especially in the north-east, much land was wooded and pastoralism was more important than cropping,³ though in the seventeenth century the greater profitability of grain growing led to an extension of tillage. Where the land was unenclosed it was probably operated on a three field system with rye and oats as the main crops before 1650 and wheat more important thereafter.⁴ In the Severn Valley land was partially enclosed in the early seventeenth century. Common land was cropped on a three course pattern with rye, barley and oats predominating in most parishes.⁵ West of the Severn, cropping was relatively unimportant and the land was generally enclosed. Rearing of sheep, cattle and horses was the main economic activity.⁶

Worcestershire, then, lay on the border between the highland and lowland zones. This provided the county with many economic advantages as farmers from the two areas were well situated to exchange products. Dyer has shown the importance of the city of Worcester as a centre of exchange between highland and lowland farmers. It is significant that almost all livestock traded in Worcester were sold from farms west of the Severn and bought by those east of it. Horses provided a significant, though small, exception, some being purchased from the Cotswolds and Staffordshire. Almost all corn sellers in Worcester came from east of the Severn, most from the Vale of Evesham, though some corn was produced for market in the river valleys west of the Severn.⁷ In general, though, the

1 Yelling, *op.cit.*, pp.91-2, 236-7.

2 *Ibid.*, p.57; Thirsk, *op.cit.*, p.201.

3 *Ibid.*, p.103. Thirsk notes the importance of dairying.

4 Yelling, *loc.cit.*, pp.39-41.

5 *Ibid.*, pp.36-39.

6 Kerridge, *op.cit.*, p.149; Thirsk, *op.cit.*, p.3.

7 Dyer, pp.67-70.

division of the county into three agricultural regions is confirmed by the different types of evidence, the Vale of Evesham in the south constituting the typical champion or open field country, the north-east arden country, semi-enclosed, partially wooded, with mixed cropping and livestock, the country west of the Severn, hilly, relatively infertile and devoted mainly to the rearing of livestock on enclosed farms. The growing of fruit was a special feature of Worcestershire agriculture and apple and pear trees were common in hedgerows.¹

In the seventeenth century Worcestershire was an important industrial county. Perhaps the industry of longest standing was the production of salt at Droitwich. It had been operative in Roman times and was well known in the middle ages. In the seventeenth century brine was produced from three wells near Droitwich and crystallised by boiling, a method which was criticised and occasionally restricted as unduly destructive of wood until coal was adopted as the main fuel. The number of workers directly involved in production does not appear to have been large and profits of salt making were distributed more among the county gentry than the burgesses of Droitwich. Investments in the salt works were an important source of income for many families and charities. Many people were ruined when the sinking of a new well brought about a large reduction in the price of salt.²

The other industries fell into four main zones, heavy textiles near the city of Worcester, metal working in the north of the county, leather working in the east, and light textiles such as silk and the manufacture of gloves in the south.

The woollen industry was traditionally the largest employer of industrial labour in the county. It provided considerable employment in the countryside, not only for pastoralists, but for a large number of part-time carders and spinners who provided semi-processed wool for the weaving towns. Sheep rearing and small scale local production of wool were to be found in all parts of the county except the forests, but sheep farming was concentrated on the Cotswolds, Bredon Hill and the Malverns. Much of the wool produced in the county was shipped to other parts of England or exported while wool was brought into the county from Wales and Spain. The manufacture of high quality broadcloth required access to the fine short wool of Wales while the Cotswold wool was more suitable for worsteds, which were not important in Worcestershire. Spanish wool was

1 Kerridge, *op.cit.*, p.148.

2 V.C.H. Wores., ii, p.260.

used for cap making at Bewdley.¹

Broadcloth production was concentrated in the city of Worcester, manufacture of cheaper narrow cloth in the other corporate towns and in the rural areas. Narrow cloths were produced mainly for home consumption but broadcloth was the most important individual export in England's foreign trade.² Worcester had given its name to the high quality broadcloths exported from the West and the West Midlands but this concentration on an expensive semi-finished product for international trade made the city of Worcester particularly vulnerable to the random fluctuations in foreign trade which were a feature of the sixteenth and seventeenth centuries, and to the long term growth of foreign competition in the seventeenth century.³ Despite the risks of concentration on a single export industry and the intermittent slumps of the sixteenth century, the weaving trade continued to expand until the early seventeenth century. From that time onwards the Worcester cloth trade experienced a relative decline, though this was probably not severe until the mid 1620s when foreign competition sharply restricted the scope for exports.⁴

Worcester dominated all branches of the wool trade. Buchanan's analysis of occupations suggests that c.1600 the city had over 30% of the weavers in the city and county combined, 70% of the fullers, 40% of the dyers and 82% of the clothiers. However the proportion of workers in wool resident in Worcester, Evesham, Bromsgrove, Kidderminster and Droitwich dropped substantially in the early seventeenth century.⁵

It is clearly significant that industry was becoming more decentralised and rural at a time when urban populations were expanding more rapidly than those of rural areas and this trend was to exacerbate the problem of urban poverty. It was the urban, especially Worcester, weavers who undertook large scale production and died wealthy men.

1 Buchanan, "Studies in the Localization of Seventeenth Century Worcestershire Industries", *T.W.A.S.*, n.s. 18, pp.31-40.

2 *Ibid.* ; C.H. Wilson, *England's Apprenticeship, 1603-60*, 1971, pp.52-3

3 *Ibid.*, pp.53-7; B.E. Supple, *Commercial Crisis and Change in England, 1600-1642*, 1959, *passim*.

4 Wilson, *op.cit.*, p.52; Dyer, p.111.

5 Buchanan, *loc.cit.*, pp.31-40. Buchanan found that in the period 1550 - 1600 56% of the weavers were in corporate towns, only 44% in 1600 - 1650. The corresponding figures for other workers were: fullers, 93% and 71%, dyers, 75% and 60%, clothiers, 93% and 95%. Though the nature of Buchanan's evidence makes it unwise to lend too much credence to his precise figures there is no reason to doubt their reliability as indicators of trends. While conclusions based on wills alone would be biased towards the more prosperous members of the community, the quarter sessions papers provide a reasonably full cross-section of the community. Buchanan combined figures obtained from these two sources.

The weavers in the county were producing mainly low quality woollen and linen cloth for local consumption rather than competing with the city in the production of high quality broadcloth for export.¹ The local trade, though usually less prosperous, was not as subject to the fluctuations of an export industry, something which explains the reply of the county J.P.s to a conciliar request for information about the state of the cloth industry during the slump of 1622. Their reply that there was little cloth industry outside the city, which was a separate jurisdiction, reflects both the concentration of cloth manufacturing for export in the city and the lesser extent to which cloth production for local and national consumption had been affected. Their letter certainly cannot be taken to imply that all textile manufacturing was located in the city.² It is probable, too, that many rural weavers had part-time agricultural employment, something to which the city cloth workers, far more exposed to the direct effects of the slump in exports, would have had little access.

Specialised textile production was found in many parts of the county. Bewdley had a thriving capping trade which was said to employ 500 men in 1657, felt hats were an important product of the city of Worcester, there were hosiers in Bromsgrove and Blockley, embroiderers in Worcester and Bromsgrove, silk weavers, mainly of foreign descent, in Evesham, Pershore and Worcester, linen making in Areley Kings.³

The leather trades were concentrated in areas where there was a ready supply of oak bark - Bewdley, the forest of Feckenham, Worcester and its suburbs. Worcester and Bedwardine were important centres for shoemaking; Pershore and Evesham, towns serving an area of intensive arable farming, were important centres of saddlery and harness making.⁴

In the north of the county coal mining and metal working were the predominant industries, though wheel making was sufficiently important to require mention.⁵ This part of the county was industrialising rapidly, mainly because the streams, forests and coal mines provided the necessary resources. The traditional by-employments of workers in forested areas provided an element of cultural continuity in early industrialisation.

1 Dyer, pp.117-8.

2 S.P.14/128/76 and 98; S.P.14/130/63.

3 Buchanan, *loc.cit.*, ii, pp.31-40.

4 Buchanan, *loc.cit.*, i, pp.43-9.

5 Buchanan, "Studies in the Localization of Seventeenth Century Worcestershire Industries", Part Three, *T.W.A.S.*, n.s.19, 1943, pp.45-54.

Locally made iron was soft, cold shore iron, best suited to nail making. Consequently, nailing was extremely important in the Old Swinford, Dudley, Rowley, and Stourbridge areas, which had 65% of all the nailers in the county. Iron more suitable for toolmaking was shipped up the Severn from the Forest of Dean to provide the basis for the tool making industry in north eastern Worcestershire. Scythemaking was concentrated in the Chaddesley Corbett and Old Swinford areas where there was an abundance of fuel and water power and also a local market. Lock-making was important in Old Swinford, Hagley, and Pedmore. Other metal working industries were located near the main markets, cutlers in the city of Worcester, Evesham and Bromsgrove, ploughshare making throughout the areas where arable farming was important.¹

The iron industries were conducted at two levels, on the one hand by workers who combined their industrial work with agriculture, and, on the other, by men engaged full time in large scale capitalist enterprise. The first type of industry employed men who were probably successors to medieval craftsmen who had made use of forest raw materials to supplement incomes in an area where large scale arable farming of a sort which absorbed all energies could not be practised. Industrial by-employments were not generally important for men in areas of open field agriculture but had great significance in arden county. By the seventeenth century some of the metal workers had become increasingly dependent on their industrial work, and the nailers, in particular, were noted as being poor, dependent on excessive hours of work, ignorant and ungovernable. As yet, though, they were scarcely an industrial proletariat since most were self employed.²

The second sort of metal working foreshadowed the development of industrial capitalism. Iron making itself was increasingly dependent on the use of blast furnaces driven by a large water wheel, machinery which involved considerable investment in fixed capital. Much working capital, too, was required for charcoal and iron ore. By the mid-seventeenth century the adoption of the slitting mill by such iron masters as the Foleys was to hasten the trend towards capitalist industrial techniques.³ Thus the Worcestershire metal industries sometimes retained the status of an agricultural by employment⁴ but during the seventeenth century they became increasingly dependent on wholly employed workers and new

1 Buchanan, *loc.cit.*, iii, pp.45-54.

2 *Ibid.*; Court, *op.cit.*, p.28.

3 Wilson, *op.cit.*, p.203; D.N.B. Thomas Foley; S. Smiles, *Self-Help*, 1877, pp.205-7.

4 Buchanan studied the inventories of many men described as yeomen who owned both farm equipment and metal working tools, *loc.cit.*, iii, pp.45-54.

techniques which foreshadowed those of the industrial revolution.

In the seventeenth century fuel shortage was a serious problem. Developing industries and an increasing population required more fuel at a time when woods were becoming seriously depleted. The iron industry was often opposed as a consumer of timber, restrictions had been placed on burning wood to produce salt at Droitwich, and the almost treeless Vale of Evesham was suffering from an acute fuel shortage.¹ Even in the well wooded north of the county a dispute over rights to cut wood for charcoal led to a Star Chamber case in 1612.² The remedy for the shortage of firewood was the use of coal. Though coal had been mined near Dudley since the middle ages, Dyer has shown that it was not an important source of domestic fuel in Worcester until the middle of the sixteenth century.³ In the third quarter of the seventeenth century coal replaced wood as the main fuel for salt production at Droitwich⁴ and it became important in some aspects of metallurgy. It was not until the eighteenth century, however, that coal was employed in the actual smelting, despite the claims of the famous "Dud" Dudley and others to have perfected techniques for smelting with coal as early as 1619. Dudley maintained that only natural disasters and attacks by rivals prevented him from putting his new methods into full scale production.⁵ Andrew Yarranton, however, made no mention of the use of coal in smelting when he wrote his vindication of the iron industry in 1677, though he did point out that coal was so widely used for most other purposes that coppice timber would not be worth cutting but for its use in charcoal making.⁶

Much of the coal burned in Worcestershire was shipped down the Severn from the Brosely area of southern Shropshire despite the efforts of the Corporation of Worcester to open their own mine at Pensax in northern Worcestershire.⁷ However the great Midland field extends into Worcestershire and reaches considerable thickness at Dudley, the centre of coalmining in the county during the early seventeenth century. The importance of coal to early seventeenth century Worcestershire was summed up by the contemporary writer, Thomas Habington.

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- 1 Court, *op.cit.*, pp.11-13; Thomas Habington, *A Survey of Worcester-shire*, (ed.) John Amphlett, Worcestershire Historical Society, 1895,ii,p.46
 - 2 St.Ch.8/202/30, Humphrey Lowe of Halesowen v Merriel Lyttleton.
 - 3 Dyer, p.54.
 - 4 Nef, *op.cit.*, i, p.208.
 - 5 Dud Dudley, *Mettallum Martis*, 1665, pp.5-7; T.S. Ashton, *Iron and Steel in the Industrial Revolution*, 1924, pp.10-11, denies his claims.
 - 6 Yarranton, *op.cit.*, i, p.52.
 - 7 Dyer, p.55; V.C.H. *Shropshire*, i, p.454.

Yet the stayned face of thys soyle supplyethe to vs in place of the Sun, for when wee are by the declination of thys Planet leaft to the coald wynter's rage wee have heere abundance of coles to defend vs agaynst that frosen adversary. The inhabitantes, /of Dudley/ though certaynly descended from Seth, yet follow in professyon Tubalcain, the inventor of the Smythe's hammer; the rest are myners delving into the bowells of the earthe for our fvell, theyre profytt, and have all of them the reputation of bould spirited men. But to returne to our sealfes, thus hathe God by the labor of theyse releved our wantes out of the deapthe when wee by waste of our woodes have throwne our seelves into necessyties. 1.

Within the county there were five corporate towns including the city of Worcester. In the south-east was Evesham, an important communications' centre controlling a bridge over the Avon which was significant for peaceful commerce and critical in war. The town had developed around the great monastery founded in the eighth century and it continued as a market town and regional centre after the Dissolution. Evesham was incorporated by charters of 1604 and 1605 but had to struggle for its independence from the overlordship of the Hobby family. The charter of 1605 allowed the borough a substantial measure of independence from the county authorities and granted the right to elect two M.P.s. It had its own quarter sessions and writs of gaol delivery were sometimes issued to the mayor and aldermen.²

The salt springs of Droitwich had supported a town from Roman times and a charter granted by King John allowed a measure of self government and gave the borough court jurisdiction over non-capital criminal cases. The Jacobean charter of incorporation confirmed most of the powers derived from John.³ In the north-west of the county, Bewdley was situated on a hill overlooking the Wyre Forest and controlling an important bridge over the Severn.

Fair seated Bewdley, most delightful town,
Whom Wyre's tall oaks with lofty leafage crown.⁴

Bewdley was a market centre, the home of important textile and leather industries, and one of the seats of the Council of Wales. The town was granted a charter of incorporation in 1472 but this was superseded by a new one in 1606. The new charter granted the right to elect a single M.P. but the town appears to have had only limited exemption from the authority of the county officers.⁵ In 1615 the citizens violently rescued one of the leading inhabitants from a sheriff's bailiff and were prosecuted in Star Chamber.⁶

1 Habington, *op.cit.*, i, p.195.

2 V.C.H. Worcs., ii, pp.371-9; George May, *A Descriptive History of the Town of Evesham*, 1845, *passim*; *Infra*, p.175.

3 V.C.H. Worcs., iii, pp.74-8.

4 William Camden, *Britannia*, 1806, ii, p.469.

5 V.C.H. Worcs., iv, pp.301-2.

6 St.Ch.8/57/10.

The bailiff of Bewdley was an *ex officio* county J.P. and serious offenders in the borough were committed for trial at quarter sessions or the assize.¹

Not far from Bewdley was Kidderminster, an important centre of communications standing at the junction of four main roads and a bridge over the Stour. It, too, was a cloth town. The borough was granted a measure of autonomy in 1086 and the partial independence which it had gained during the middle ages was confirmed by royal charter in 1636. Even after incorporation, however, Kidderminster had only limited exemption from county officers. The bailiff and capital burgesses were empowered to make by-laws but the town courts had only the authority of a court leet.² Dudley was a town of considerable substance, but despite the existence of a mayor, bailiff and other officials, it does not appear to have been incorporated as a borough or to have had extensive powers of self-government.³ Neither Bromsgrove nor Pershore appears to have had any independence from the county authorities.

By far the largest urban area in the county was the city of Worcester. After a long period in which the city and county authorities disputed each other's jurisdiction, the city of Worcester became an independent county in 1621.⁴ Only in the control of its trained bands by the deputy-lieutenants of the county was the city linked to the administration of the shire after 1621. Even after Worcester became independent, however, the city remained the principal centre of government for the county. Ecclesiastical administration was based on the cathedral in Worcester and county quarter sessions and assizes were held in the city. Worcester was the principal trading centre for the county.⁵

The population of the county has been calculated at 24,148 in 1377 and it had risen substantially by the seventeenth century. Rickman calculated in 1841 that the population of the county was 72,285 in 1600 and 78,650 in 1630, figures which are almost certainly too high.⁶ Jordan preferred the rather lower figure of 58,000 in 1600.⁷ In this study the population has been estimated from the hearth tax records of the 1660s and early 1670s. Information of the various rolls has been pooled, and where more than one return for a parish has survived, the highest figure has been accepted. A multiplier

1 *W.Q.S.P.*, pp.xxviii-xxix.

2 *V.C.H., Worcs.*, iii, p.164.

3 *Ibid.*, iii, p.99.

4 Dyer, pp.210-11; *V.C.H.*, iv, p.388; Charter in Guild Hall.

5 Dyer, pp.67-80; The other market towns were Bewdley, Bromsgrove, Droitwich, Dudley, Evesham, Kidderminster, Pershore, Stourbridge, Tenbury, and Upton-on-Severn. A.M. Everitt, "The Marketing of Agricultural Produce", Thirsk, *op.cit.*, p.472.

6 J.C. Russell, *British Medieval Population*, 1948, p.277 (1377 figure); 1841 *Census Report*, pp.35-7. Rickman counted entries in seventeenth century parish registers and assumed that they bore the same relationship to population as did those of his own day.

7 W.K. Jordan, *Philanthropy in England, 1480-1660*, 1959, p.27.

of 4.5 has been used to calculate population from the number of houses assessed for the hearth tax and this probably gives a slightly conservative estimate.¹

Calculations from the hearth tax records suggest that the county had a population of 46,713 in the 1660s.² There were a further 8,300 in the city of Worcester in 1645, perhaps 10,000 in the 1660s. It is probable that the population was no higher at the Restoration than in 1642, war deaths and plague having taken a heavy toll of the natural increase which might have been expected in a generation. Worcestershire was a densely populated county. In 1662 only London and eleven other counties had fewer acres per hearth, and in 1690 the hearth book revealed that only two counties outside the metropolis had fewer acres per house.³ Worcestershire was, however, comparatively rich, standing sixteenth in the ship money assessment for 1636, nineteenth in the subsidy of 1641, twentieth and thirteenth in two Interregnum assessments, twelfth in the proposed levy in lieu of wardship in 1660. Worcestershire was required to pay more taxes than the much larger counties of Lancashire, Yorkshire and, on occasion, Norfolk. The *per capita* burden of taxation was above the national average.⁴

A study of the population density of individual parishes reveals some correlation between the type of land and the number of people it supported. Some open field parishes in the south-east had a high population density but the average was not as great as might have been expected. The seven parishes selected by Yelling as representative of the open field and arable south-east had an average population density of 59.32 per square mile, the lowest of any of his subdivisions of East Worcestershire.⁵ However, his sample did not include some very heavily populated south-eastern parishes such as Great Comberton (83.56), Little Comberton (94.78), Birlingham (97.61) and Broughton Hackett (119.39). If one excludes the detached parish of Alderminster, the upper division of Pershore hundred includes mainly arable and open field land. It had an average population density of 66.45. In the Droitwich area the landscape was more enclosed than further south but arable farming predominated. The four parishes Yelling selected as typical of this area had an average population of 62.83.⁶

1 Appendix I.

2 Appendix I; Dyer, p.27; E.179/270/21 (Poll tax, 1660).

3 C.A.F. Meekings (ed.), *Dorset Hearth Tax Assessments, 1662-1664*, 1951, pp.108-10; J.E.T. Rogers, *A History of Agriculture and Prices in England*, 1886, v, pp.120-1. Worcestershire ranked above Norfolk in 1693, 1636 and 1660.

4 *Ibid.*, pp.118-9; Worcestershire had about 1.2% of the national population of approximately 4,000,000. Jordan, *op.cit.*, p.267.

5 Yelling, *loc.cit.*, pp.32-3; Appendix I.

6 Yelling, *loc.cit.*, pp.33-6; Appendix I.

The area with the greatest agricultural population was undoubtedly the Severn Valley. The three parishes studied by Yelling averaged 73.86 persons per square mile and examination of figures for other parishes in the area shows that the Severn Valley was particularly crowded.¹ Bushley had 83.40 and Upton on Severn, which included a small town, 130.95. Further north, Ombersley had 83.22 persons per square mile. The agricultural parishes of the north-east were less populous than those of the south or the Severn Valley. The four rural parishes regarded by Yelling as typical of this area averaged 50.47 per square mile.

West of the Severn Valley, parishes were generally more sparsely settled but there were some pockets of high population density. Parishes which possessed lands in the rich Teme valley differed little from those of the Severn. Clifton-on-Teme (115.26), Hanley William (64.27) and Madresfield (62.82), which possessed valley lands, and Great Malvern (71.06), Bayton (66.29), and Areley Kings (84.31), with their ability to provide by-employments based on timber or flax, contrasted with the hilly and purely pastoral parishes such as Shellesley Beauchamp (49.34), Rock (21.55), Eastham (29.95), Great Witley (38.800, and Great Kyre (28.72). It is apparent that the forested areas, both in the north-east and west of the Severn, were able to support a population almost as great as that of the rich agricultural lands of the south-east and the river valleys, but that parishes dependent on pastoral farming could provide much more limited employment.

However, there was another factor besides suitability for cultivation and the availability of traditional by-employments which had an important influence on settlement. The industrial towns of Dudley (158.63) and Oldswinford-with-Stourbridge (301.53) were among the most densely populated areas in the county, and it was in the northern parishes subject to the influence of developing industry that the increase in population from 1569 to the 1660s was particularly marked.³

In Worcestershire the most crowded farming areas were those in which mixed farming was practised. It appears that the enclosed parishes of the Severn Valley were able to support a greater population by mixed farming than was possible in the open field parishes which concentrated almost exclusively on corn growing. Though it is possible that the lighter land near the Severn was easier to work, the relative population density of the two areas tends to suggest that mixed farming on enclosed farms made possible the employment of a greater number of people.

1 Yelling, *loc.cit.*, pp.36-39; Appendix I.

2 Yelling, *loc.cit.*, pp.39-41.

3 1569 figures from a return of the number of households in his diocese made by the Bishop of Worcester. Harleian MS 595, ff.209-211^v. Appendix I.

Worcestershire society was headed by a small number of peers but they took only a limited part in county affairs. Though the family of Dudley *alias* Sutton had been barons since 1440 only the first and fourth barons seem to have participated widely in either local or national affairs. Edward, Lord Dudley, who held the title from 1586 till January 1649/50, occasionally acted as a Worcestershire J.P. but was not important either in the county or at Westminster. He was said to have been improvident and notorious for his misdemeanours, in particular that he betook

himself wholly to a Concubine [Elizabeth Tomlinson of Dudley, mother of the famous Colonel Dud Dudley], on whom he begot divers [eleven] Children: and so far wasted his Estate, in the support of her and them; that he left not much of that fair Inheritance, which descended to him: and it so clog'd with Debts; that, for the disengaging thereof, he Married the said *Frances* his Grand-Daughter, and Heir, to *Humble Ward*, the only son of *William Ward*, a Wealthy Goldsmith in London, a Jeweller to the late Queen . . . 1

His estate had been sequestered for debt as early as 1593. The title was inherited by Frances, *suo jure*, Baroness Dudley, and her husband was created Baron Ward of Birmingham on 23 March 1643/4.²

The Lords Windsor had moved to Worcestershire only because Henry VIII forced a change of estates. Their holdings in the county were confined to a number of manors in the parish of Tardebigge.³ Both Henry (Windsor), Lord Windsor, who held the title from 1585 to 1605, and his successor, 1605-1644, were involved in national rather than county affairs. Thomas, Lord Windsor, was Rear Admiral of the fleet sent to bring back Prince Charles from Spain in 1623. Though a Catholic, he was always listed as a dignitary on the Worcestershire commission of the peace, but neither his magistracy nor his position as a peer and an admiral prevented the county J.P.s seizing arms from his house, Hewell Grange, during the invasion scare of 1625.⁴ It was only as a commissioner of array in 1642 that the sixth Lord Windsor took an active role in the county. His successor, Thomas, formerly Hickman, the seventh Lord Windsor, was a nephew who succeeded to the estates in February 1645/6. He was styled Lord Windsor from that date, even though in law he did not gain the title until the issue of a patent of restoration in 1660. He was a prominent Royalist and Interregnum plotter.⁵

Thomas Coventry, first Baron Coventry, was elevated to his peerage owing to his distinguished legal and political career. The family was of

1 John Dugdale, *The Baronage of England*, 1675, ii, p.217.

2 G.E.C. *Complete Peerage*, iv, pp.479-483.

3 V.C.H. *Wores*, iii, pp.225-8.

4 G.E.C., *Complete Peerage*, xii, p.799; C.66, various rolls; *Infra*, p.156

5 G.E.C., *Complete Peerage*, xii, pp.799-800.

great antiquity but it had risen to prominence through the law in the sixteenth century. The first Baron served as M.P. for Droitwich, 1620-21, Attorney General, 1620/1-25, and Lord Keeper from 1625 until his death in 1640. He was an ardent supporter of ship money. He had a large estate in Worcestershire but he was a national rather than a county figure who did not participate in the work of the county magistracy.¹ His successor, Thomas, the second Baron, was a commissioner of array, but a lukewarm supporter of the King in the first civil war. He compounded early and went abroad.² In the 1650s he was, however, a very active plotter and was one of the peers imprisoned for Royalism in 1655.³

By far the most influential people in the county were the land-owning gentry. They were comparatively few; 128 families were recognised by the heralds in the 1569 visitation, 143 in 1634, and 104 in 1682-3.⁴ The gentry were, however, much more numerous than the visitation returns indicate. Cliffe has chosen to define the gentry in a way which allows few additions to those recognised by the heralds while Lloyd has accepted self attribution as the key to gentle status, being prepared to accept as a gentleman any who claimed to be one.⁵ Neither of these definitions is particularly satisfactory. Adhering strictly to the heraldic visitations would restrict the gentry to a class much smaller than that which was so recognised by contemporaries, omit a number of people who were indubitably gentlemen by descent and force us to concentrate too much on families which were long established or of magisterial status. Accepting Lloyd's definition would lead to consideration of too many men who were neither landowners nor descended from families with a tradition of gentility and include an excessive number of town-dwellers and yeomen.

Perhaps the most convincing categorisation is that of Blackwood who has counted as gentlemen those who were consistently described as such in official documents.⁶ Unfortunately it is not possible to duplicate Blackwood's methodology in Worcestershire for he used freeholders' books, the knighthood compositions, muster rolls, and the protestation returns of 1641-2 as well as the subsidy rolls and excluded those who are referred

1 G.E.C., *Complete Peerage*, iii, pp.476-7; C.142/594/68.

2 G.E.C., *Complete Peerage*, iii, p.477.

3 T.T. E.845 (2); E.845 (3); E.845 (6).

4 *The Visitation of Worcestershire 1634*, Harleian Society, xc, 1938; *The Visitation of Worcestershire 1569*, Harleian Society, xxvii, 1888; *The Visitation of Worcestershire 1682-3*, 1883, (ed.) W.C. Metcalfe.

5 Cliffe, *op.cit.*, p.3 *et seq.*; H.A. Lloyd, *The Gentry of South-West Wales, 1540-1640*, 1968, p.19.

6 Blackwood, *op.cit.*, pp.13-16.

to as "gentlemen" in only one class of document. In Worcestershire no freeholders' book is known to have survived for the early seventeenth century, the only muster roll provides information about only a small part of the county and the protestation returns have survived only for the city.¹ This makes it necessary to adapt Blackwood's criteria to the available material. In the estimate of the total number of gentry in the county, all have been regarded as gentlemen who were consistently so styled in the subsidy rolls, appear in the knighthood composition lists, or the visitation returns. Using this method of categorisation reveals that there were between 400 and 500 gentlemen heading families in Worcestershire for some part of the period 1603-1642. Owing to the incompleteness of the subsidy rolls, the main source used for counting the gentry, it is difficult to say with certainty the number living in the county at any particular time, but 300 is estimated for the first decade of the century, 350 on the outbreak of the civil war. Exact figures for the number of gentlemen give spurious precision in a rather murky area. It is apparent that some individuals were elevated to gentle status in the eyes of their fellows during their life time and it is clear that the inflation of honours was still continuing in the early seventeenth century. Several inhabitants of parishes in Blackenhurst hundred, almost all of them small freeholders, were styled "gentleman" in the Caroline subsidy assessments but not in 1610.²

One is also faced with contradictions between different sources. Persons whose names appear in the knighthood composition lists were disclaimed at the 1634 visitation. Despite the heralds' order that they should drop all pretensions to gentility, all those who appear in the knighthood composition and disclaimer lists whose names can be found in the subsidy assessments for 1641 are styled "gentleman". It is probable that the heralds demanded the attendance of numerous minor gentlemen in order to increase their fees.³ Many such men, secure in their status within their parish and lacking any ambition to wider social acceptability, were unwilling to spend time and money to document their pedigree and coat of arms. In some counties, however, widespread registration by men whose gentility was not accepted by the local community made some of the greater gentry unwilling to attend the heralds and be placed in the company of men they regarded as upstarts and would not accept as social equals.⁴ It does not appear that the greater

1 M.F. Bond, *Guide to the Records of Parliament*, p.155.

2 E.179. All Worcestershire rolls 1597 to 1641 have been consulted. Adult sons have been counted only if they had established separate households.

3 H.S. Grazebrook, *The Heraldry of Worcestershire*, 1873, i, pp.xliv-xlv.

4 P. Styles, "The Herald's Visitation of Warwickshire, 1682-3", *Birmingham Archaeological Society Transactions*, 71, 1955, p.127.

gentry of Worcestershire made any conscious efforts to avoid the heralds, and if one pools information from the three visitations, over half the families classified as gentle on the basis of the criteria outlined above and virtually all the gentry who acted as magistrates in the county may be discovered.

Families headed by gentlemen made up about 2.5% of the households in the county, a modest though not exceptionally low proportion by national standards.¹ Two factors militated against the emergence of a large gentle class, the existence of a large amount of pastoral and wooded land in the county,² and the way in which monastic lands were distributed. 161 manors and quasi-manors were in the hands of religious institutions at the Dissolution. However 60 of these belonged to the Priory of Worcester or to Westminster Abbey. In 1542 almost all these manors were returned to the Deans and Chapters of the refounded institutions.³ Every manor in the hundred of Blackenhurst was held by the monastery at Evesham in 1536 but their disposition did not lead to the foundation of a strong new gentry from among the lessees. Seven fell into the hands of the Hobby family, and when it wound up its interests in Worcestershire in the early years of the seventeenth century, several were purchased by absentees and changed hands frequently. It seems that only two families strengthened their position by the purchase of monastic lands in Blackenhurst. The Biggs family was seated at Lenchwick and Norton from 1581 till the eighteenth century. It held the site of the manor of Bengeworth from 1601 till 1636. The Haselwoods purchased Offenham from Sir Philip Hobby, c.1600 and retained the manor until the eighteenth century.⁴ Both the nature of the land and historical determinants influenced the size of the gentry population in the rest of the county. There were relatively few gentlemen in the purely pastoral parishes west of the Severn, virtually none in the industrial areas of the north, a comparatively large number in the prosperous mixed farming regions. However, the paucity of gentlemen in wooded areas often found in other counties was not a feature of Worcestershire, Feckenham, in particular, having a large population of gentlemen. King's Norton, too, had several gentlemen, a fact which possibly reflects the division of the parish into ten manors, five of which were held by resident gentlemen in 1640.⁵

1 For comparative figures see Appendix I.

2 Thirsk, *op.cit.*, p.92; Blackwood, *op.cit.*, pp.18-19. Both found more gentlemen in arable than in wood-pasture areas.

3 V.C.H., *Worcs.*, ii-iv, *passim*.

4 *Ibid.*, ii, pp.396-404, 420-423, 353-9.

5 *Ibid.*, iii, pp.181-7. Three of these manors had been owned by monasteries.

No one family dominated Worcestershire by its wealth. The county was governed instead by a comparatively small group of gentry who were only moderately rich by national standards, but whose estates and incomes gave them undoubted precedence over the much more numerous minor gentry. The incomes of the Worcestershire gentry have been calculated from two main sources, the subsidy assessments and the royalist composition papers, though these have been supplemented, where appropriate, by family estate papers, contributions towards the monthly assessment in the 1640s, the knighthood composition fines, and the forced loan of 1628.

Of these sources, the one which enables the greatest number of gentry incomes to be calculated is the subsidy assessment. It is probable, too, that the subsidy assessments are the most accurate source other than detailed surveys of individual estates. Though the assessments of most Worcestershire gentlemen remained relatively constant from year to year without showing the random or rapid changes which would suggest arbitrary valuation of their estates, it appears that an individual's liability to taxation was altered if there was a significant change in his economic fortunes. For example, Sir Thomas Lyttleton was assessed at £50 in 1603, a sum which reflected the wealth of his father before the losses brought about by his debts and participation in the Essex rebellion, at £25 in 1620, and at £30 in 1641, when the Lyttleton estates had at least partially recovered from the folly and extravagance of Sir John.¹

As is well known, the actual valuation made in a subsidy assessment represented only a small proportion of the tax-payer's annual income. We have, however, the authority of Lionel Cranfield for assuming that the subsidy assessment represented only one-fiftieth of the income received.² Blackwood found that in Lancashire calculations of income made by multiplying the subsidy assessment by fifty usually bore a close relationship to the valuation of estates in law suits.³ Cliffe, Everitt, and Blackwood all accept, though with some reservations, the substantial accuracy of the particulars of estates drawn up for the committee of compounding.⁴ It is necessary, however, to remember that incomes calculated from the main sources used in this study must be regarded as *probable* - no claim to exactness or certainty can be made.

1 J. Amphlett, *Lay Subsidy Rolls, 1603*, Worcestershire Historical Society, 1899, p.10; E.179/201/292 (1620); E.179/201/311, f.4 (1641).

2 R.H. Tawney, *Business and Politics under James I*, 1958, p.146; W.G. Hoskins, *Provincial England*, 1956, pp.92-3, suggests that the subsidy assessment is a less accurate indicator of the incomes of the wealthy than those with modest incomes.

3 Blackwood, *op.cit.*, pp.25-7.

4 *Ibid.*, p.25; Cliffe, *op.cit.*, p.27; Everitt, *op.cit.*, pp.41-2, 329.

In the reign of James I the average income of a Worcestershire gentleman was £283.73, in that of his successor, £246.15. The fifteen Jacobean knights had an average annual income of £1080, the 84 esquires £399.07, and the 250 mere gentlemen £194.64. Under Charles the advantage of the 24 knights was somewhat less; their average annual income was £675.29. Esquires averaged £324.14 despite the drop in number to 64 and the 232 mere gentlemen had an average annual income of £157.24. It is very unlikely that the wealth of the gentry actually declined during the first forty years of the seventeenth century and the apparent reduction in income can be explained in two ways. The calculations based on the royalist composition papers are more likely to be underestimates than those for which the subsidy rolls are the source and, secondly, it is possible that the subsidy assessments of the wealthy bore a lower relationship to their real income in the late 1620s and in 1641 than they had in the first two decades of the seventeenth century. Incomes were positively correlated with the antiquity of the family. The average annual income of 39 families of medieval origin was £770.05, for the 64 who had become Worcestershire gentry during the Tudor period, £387.62. The twelve families who became established after 1603 averaged £184.58.¹

It is apparent that persons of high social status and those whose families had long been accepted as members of the county gentry had, on average, greater incomes than mere gentry and those who had only recently acquired gentle status or settled in the county. Of course there were many individual exceptions. Sir Thomas Nott, scion of a Tudor family, had an income of only about £300,² Sir John Bucke, head of a medieval knightly family, only £250,³ less than the average for the Jacobean gentry as a whole. Contemporaries often divided the gentry into three income categories, over £1000, between £250 and £999, and less than £250.⁴ Only 25 Worcestershire gentlemen are recorded as having incomes over £1000 at any time in the early seventeenth century and of these 14 were knights. Most esquires fell into the middle income category, the majority of mere gentlemen into the lowest. However the taxpayer with the highest assessment in the subsidy of 1597 was Ralph Sheldon of Beoley, an esquire who was taxed on £60, a sum which suggests a real income of £3000.⁵ However no member of the Sheldon family held first place in any of the later subsidies and it is probable that the richest family in the county

1 Incomes calculated from subsidy rolls and royalist composition papers
 2 E.179/201/311, f.7. (1641); *Visitation of Worcestershire 1634*, p.76.
 3 E.179/201/277, f.1^v. (1621); *Visitation of Worcestershire 1569*, p.26.
 4 Cliffe, *op.cit.*, pp.26-30.
 5 E.179/201/244, f.3.

on the outbreak of the civil war was Pakington of Hampton Lovett, seated in the county since the middle ages, and with an income assessed at almost £2,500 when Sir John Pakington's delinquency fine was imposed.¹

It is obvious that there was a considerable range of incomes among the gentry, a diversity great enough to rule out any possibility of gentleman being able to follow a single way of life. Between Sir Thomas Bromley who died in 1641 leaving his heir an estate valued at over £1300 *per annum*, ten manors, 2000 acres of arable land, 2000 acres of pasture, and 1000 acres of meadow as well as heath and waste, and a house with 26 rooms,² and even a prosperous minor gentleman such as John Gower of Stone with a £353"2"2d inventory showing most of his wealth in livestock and farm animals, there was such a difference in economic circumstances that there must have been a marked difference in life style and attitudes.³ Though the gentry were most numerous in the arable and mixed farming areas of the south and east, less common in the pastoral areas and present only in small numbers in the industrial parishes of the north, it was in the north that a disproportionate number of very wealthy gentry were to be found.⁴ In the northern parishes gentlemen of modest estates who combined farming with their activities as landlords were much less common than in the south and many villages were without a resident gentleman. The dispersed settlement pattern of the north, where many parishes were divided into several hamlets, reduced contact between the gentlemen and the common people. The gentlemen of the fielden parishes were probably more integrated into the life of the village community, less conscious of the social gulf which separated them from the peasantry. It is possible that even the great landlords of the south-east were influenced by closeness to the local farming population, though it could be argued that proximity would be more likely to aggravate than to ameliorate class tensions. The situation was by no means clear cut for the leaders of the northern and the southern factions were always drawn from among the greater gentry. Certainly one cannot see north-south rivalry as a form of class conflict between the magnates and the lesser gentry. It is possible, though, that the social environment played at least some part in producing friction between the gentry of the north and those of the south.

1 C.C.C., pp.1194-6.

2 C.142/302/105; W.R.O. Probate 1641/38.

3 W.R.O. Probate 1610/32.

4 Appendix I.

5 *Infra*, Chapters VI and VII for discussion of north-south rivalry in the seventeenth century. In the wars between Stephen and Matilda and in the Wars of the Roses there were differences in allegiance between the north and the south of Worcestershire. *V.C.H. Worcs*, ii, pp.201-2, 209-10, iii, pp.92-3.

The county was dominated by such families as Bromley, Pakington, Russell, Lyttelton, Berkeley, Sandys, Biggs, Pytts, and Washbourne. The heads of these families usually had incomes of £1,000 or more, large estates, were frequently landowners in other counties, and were in contact with the events of the capital. It was men such as these who set the tone of county society.

The Bromley family were relative newcomers, since their estate had been purchased by Lord Chancellor Thomas Bromley during the reign of Queen Elizabeth. Sir Henry Bromley (1560-1615) was a Worcestershire sheriff, magistrate, and M.P. His participation in national politics led to involvement in the Essex rebellion, a spell in the Tower and heavy debts necessitating the sale of land.¹ Though his son Thomas was knight of the shire in 1614 and 1628, he was never a Worcestershire sheriff or J.P., seeming to prefer the study of French and Italian to an active role in county government.² One grandson, Henry Bromley of Holt, was a leading Royalist, another, Henry Bromley of Upton, a Parliamentarian and Inter-regnum J.P.³

The Pakingtons were of medieval origin, having entered the county in the fifteenth century and obtained substantial estates by marriage to a Washbourne heiress. By the sixteenth century they had surpassed in wealth and importance the family which had given them their *entree* into the county, owning a large estate at Aylesbury in Buckinghamshire as well as their Worcestershire property. The Pakingtons had the right to nominate the burgesses for Aylesbury and Dame Dorothy Pakington is notorious for the imperious tone of her letter nominating both members to the Parliament of 1572. So complete was the Pakington's domination of the borough of Aylesbury that the election precepts for 1586 and 1597 were addressed to Sir John Pakington rather than the bailiff.⁴ This Sir John Pakington was a courtier and favourite of Queen Elizabeth, known to the Queen as "Lusty" Pakington owing to his athletic prowess. At the high point of his career, Sir John was the Earl of Leicester's rival, but his expenses at Court and the cost of extending a shooting box into an elaborate four-winged mansion with park and artificial lake at Westwood led to financial difficulties and loss of favour. However marriage to the widow of Benedict Barnham, Alderman of London, restored his fortunes.⁵ "Lusty" Pakington's heir, John, the first baronet, died in 1623 at the age of 24, leaving an infant

1 *Infra*, pp.206-7; *A.P.C. 1601-1604*; pp.144, .158.

2 W.R.O. Probate 1641/38. "Books being most French or Italian . . . £4".

3 Appendix III.

4 J.E. Neale, *The Elizabethan House of Commons*, 1963, pp.174-7.

5 *D.N.B.* Sir John Pakington.

son. Sir John senior died in 1625 and it was not until the 1640s that the Pakingtons had an adult head able to play a part in county government. The second baronet was a Royalist committeeman, possibly a colonel in the civil war, and a leader of Royalist conspiracy during the Interregnum. His house at Westwood was a literary centre and home for ejected Anglican clergymen.¹

One of the most successful families in the county constituted a legal dynasty. The Lyttletons settled in the county in the early middle ages, had risen to fame through the fifteenth century Judge Thomas Lyttleton, whose *Tenures* was long regarded as the authoritative work in its field.² In the seventeenth century the heads of the senior branch of the family did not practice law but lived as country gentlemen. John Lyttleton was an M.P. who joined the Essex conspiracy and died in prison.³ His widow, Merriel, sister of Sir Henry Bromley, was a woman of great determination whose intercession with King James at Doncaster was instrumental in regaining possession of her late husband's forfeited estates.⁴ She engaged in law suits and risked the antagonism of her tenants to clear debts and leave her son, Thomas, an unencumbered patrimony.⁵ The numerous cadet branches of the family supplied many of the barristers of the Oxford circuit and North Wales.⁶ At least one member of the family, James Lyttleton, rose to local prominence through the civil law. He was chancellor of the diocese of Worcester, a county J.P. and commissioner of array.⁷ The cadet branch most successful in the law was headed by Sir Edward Lyttleton, described indifferently as of Pillaton in Staffordshire and Bockleton in Worcestershire, who rose to high office under Charles I.⁸

The Sandys family owed its prominence to Edwin, successively Bishop of Worcester and London, then Archbishop of York.⁹ By the seventeenth century it had established branches at Ombersley and Fladbury in Worcestershire as well as in Kent and Yorkshire.¹⁰ Both Worcester-shire branches provided magistrates and M.P.s.¹¹

1 D.N.B. Sir John Pakington; E.A.B. Barnard, "The Pakingtons of Westwood", *T.W.A.S.*, n.s. 13, 1937, pp.28-38.

2 E. Foss, *The Judges of England*, 1851, iv, pp.436-41; D.N.B.

3 T.R. Nash, *Collections for the History of Worcestershire*, 1781, i, pp.496-8; *Infra*, pp.206-7.

4 Nash, *op.cit.*, i, p.495.

5 B.R.L. 357391; St.Ch.8/201/30.

6 Inns of Court Registers. For full references see *infra*, p.36.

7 J. Foster (ed.), *Alumni Oxoniensis (1500-1714)*, 1891, ii, p.920.

8 D.N.B. Sir Edward Lyttleton.

9 D.N.B. Bishop Edwin Sandys.

10 *Ibid.*

11 Appendix II.

The upper and middle gentry consisted of families with extensive territorial interests, several manors and, possibly, large non-manorial estates, which often extended outside the county. Because most members of this group owned property outside the diocese their wills were generally proved at the Prerogative Court of Canterbury. Most Canterbury inventories have been lost. Some obtained Worcester probate or left a copy of the inventory among their estate papers. The inventories reveal a considerable degree of wealth and comfort, large houses, generally with twenty to forty rooms, Turkey carpets, joined furniture, tapestry, feather beds, brass, pewter and plate. The household goods of Thomas Folliot, a J.P. whose income was about £750 *per annum*, left a personal estate valued at £626⁷0d, including £260⁷0d in household goods, of which the value of plate was £44.¹ Leonard Jefferies of Earls Croome, also a magistrate, had goods worth £729⁶10d when he died in 1629, of which £211¹⁹0d was represented by furnishings and luxuries. His house had at least twenty four rooms.² Despite his large estates, Sir Thomas Bromley left goods and chattels valued at only £150.³

All the gentlemen whose inventories have been mentioned were engaged in demesne farming. Their inventories list livestock, corn in the field or barn, ploughs, hay wains, plough oxen, and "tacke for the team". There was, however, some variation in scale. Sir Thomas Bromley's was probably only a home farm producing primarily for the house rather than intended to provide commercial profits. He had only twenty-one cattle, including two plough oxen and seven calves, no sheep, £41⁶8d in rye, oats, barley and hay, a figure which suggests a small surplus for sale but not extensive farming for the market.⁴ Leonard Jefferies, who had "tacke of husbandry" valued at £10, 54 adult cattle valued at £140 and £26 worth of corn in the ground, may have farmed on a more commercial basis but it is unlikely that his demesne lands provided a high proportion of his income.⁵ Perhaps Thomas Folliot with twelve plough oxen and £68 worth of corn in store was a little more dependent on the profits of his farm.⁶ Of the magnates whose inventories survive, only Robert Wilde of the Commanders owned no livestock, corn or farm implements.⁷

1 W.R.O. Probate 1613/209g; Income E.179/201/273, f.1^v. (1610)

2 W.R.O. Probate 1629/104; E.401/2586, p.330. He was assessed at £20 in the privy seal loans, a common sum for Worcestershire magistrates.

3 W.R.O. Probate 1641/38.

4 *Ibid.* ; His son's income was over £1300 *p.a.* C.C.C., p.1220.

5 W.R.O. Probate 1629/104.

6 W.R.O. Probate 1613/209g.

7 W.R.O. Probate 1607/144.

Like the magnates, gentlemen of the middle rank lived in substantial and well furnished houses, received the greater part of their income in rents and engaged in farming. However cultivation of the demesne tended to provide a higher proportion of a middle ranking gentleman's income. John Gower of Stone died in 1610 leaving £353²Od in personal estate. His 175 sheep, eight adult cattle, swine, barley and corn probably provided a significant proportion of his income and certainly indicate farming on a substantial scale.¹ His distant relation, William Gower of Queenhill, died in 1648 leaving well over half his possessions in farm animals and corn. Of his £224¹⁵2d inventory, oxen and cattle accounted for £100, pigs for £10, corn for £60 and hay for £12.³ Richard Vernon, a pre-civil war J.P. and commissioner of array, died in January 1679/80 leaving £212 in farmstock, £230 in furniture, £38 in linen, £60 in arrears of rent, and £42¹³Od in plate, an estate which shows his farming interest, his position as a landlord, and the comparative affluence which enabled him to purchase expensive furniture and turn his savings into plate.³ John Brace, who died in 1639, may have supplemented his income by money lending as well as farming. His inventory listed the unusually large sum of £60 in ready money and £312 owing to him on bonds.⁴

The inventories of the lesser gentry and the younger sons often reveal a standard of living inferior to that of the yeomen and more prosperous husbandmen. In 1618 William Lench of Doverdale left goods valued at £86¹³4d, only £17 in clothes, cash and furniture, and his house consisted of only a hall and parlor with chambers above and a kitchen.⁵ Giles Nanfan of Birtsmorton, a younger son, died at the age of 65 leaving £155¹⁵Od. In contrast, he owned only £3¹¹Od worth of farm stock and tools, which suggests that his main source of income was an allowance from the family estates.⁶ Less prosperous still was another younger son, Justinian Evett of Hallow who operated a small farm and left £28¹⁵2d.⁷ Perhaps the poorest gentleman in the county was William Mucklowe whose inventory totalled £95²Od, two shillings in clothes and £95 in a "very desperate debt", the accumulated arrears of the £10 *per annum* owed to him from lands in Arley Kings by his nephew, Simon Mucklowe.⁸

1 W.R.O. Probate 1610/32.

2 W.R.O. Probate 1648/70.

3 W.R.O. 008.7; 2385/291, Probate 16 January 1679/80.

4 W.R.O. Probate 1630/10.

5 W.R.O. Probate 1618/94.

6 W.R.O. Probate 1615/225.

7 W.R.O. Probate 1602/119.

8 W.R.O. Probate 1604/97.

In his will he bequeathed a sum of money to the friends with whom he had lodged in Worcester in return for their provision of necessities over several years.¹

On the whole the Worcestershire gentry were neither as long settled nor as insular as those of Kent, Lancashire or Cheshire, having more in common with other Midland counties such as Warwick. Of a sample of Worcestershire families less than a third were of medieval origin, almost half had entered the county gentry during the Tudor period and the rest had become established after the accession of James I, a higher proportion of newly settled gentry than in most other counties. The pattern of marriage alliances reveals the importance of links with neighbouring counties. Well under half the marriages of heads and heirs were with other Worcestershire families, almost a third with contiguous counties (including Oxfordshire), a quarter with families from the rest of England.²

Many Worcestershire families were connected in the male line with families in other counties. Some of the greater gentry had national connections and many families had relatives in the West Midlands. The Lyttletons were divided into several branches in Worcestershire, Staffordshire and Oxfordshire.³ There were many extended families which could be classified as "West Midland" rather than as belonging to any particular county. Many families owned land in one or more West Midland counties - Henry Bromley was described indifferently as of Holt and of Shrawardine Castle in Shropshire and he was a magistrate in both counties.⁴ Less prominent families such as Cocks, Greswold, Freeman, Knightley, and Middlemore had branches in neighbouring counties.⁵

No detailed study has been made of the origins of the Worcestershire gentry but material readily available in print suggests that there were many different ways of entering the gentle society of the county. A few families, such as Rous, D'Abitot, and Washbourne claimed descent from the knightly class of the early middle ages but the history of most was more mundane. Several had risen by trade and the law. The city of Worcester and its cloth trade provided an avenue of upward mobility for about a dozen families of which the Mucklowes, Berkeleys and Wildes were the most prominent. The latter two families consolidated the profits

1 W.R.O. Probate 1604/97.

2 Based on a sample of 193 families and 393 marriages. Appendix I.

3 *Visitation of Worcestershire 1634*, pp.61-4; Nash, *op.cit.*, i,

4 M.I. Holt parish church; Ottley, ii, pp.26-7.

5 *Visitation of Worcestershire 1634*, *passim*.

of trade by the practice of the law.¹ Legal careers established or strengthened the fortunes of a number of families, particularly the Lyttletons, Salways and Coventries.² London mercantile wealth was responsible for the magnate status of the Seabrights and the Spillers³ and the profits as cofferer to Queen Elizabeth for the rise of the Habingtons.⁴ The career of Bishop Edwin Sandys established his descendents among the magisterial class of the county⁵ and several lesser gentry families appear to have profited from positions as beneficed clergymen or ecclesiastical administrators - the Cliffes of Great Whitley, Hickes of Shipston-upon-Stour, the Warmestries, the Thornboroughs and the Maylards. The Maylards were Hereford merchants in the sixteenth century but they provided successive Registrars to the Dean and Chapter of Worcester in the early seventeenth century. The Tompkins family rose to gentility by a career in church music.⁶ The subsidy rolls reveal that several clergymen acquired small freehold estates.

Many of the minor gentry had risen from yeoman families. The Bearcrofts of Hanbury were probably drawn from the early Tudor yeomanry despite their later claims to descent from fourteenth century gentry,⁷ the Graves family of Kings Norton made a very rapid rise from obscurity⁸ to the magistracy and knighthood and many yeoman families of Blackenhurst hundred were gradually ascending to recognised gentility. Many of those first described as gentlemen in the Caroline subsidy assessments were not accepted as armigerous in 1634 or 1682-3, but inscriptions in the parish churches of the area leave no doubt as to the gentle status of their descendents.

Marriage to Worcestershire heiresses was a common method of entry to the county. The Pakingtons who first made and later retrieved their fortunes by marriage were the highest ranking family to have advanced in this way, but they were by no means alone. The Cocketts, Caves, Corbetts, Cookes of Redmarley Oliver, Evetts and Towneshends of Elmley Lovett are but a few of the gentry families established in the county by marriage to Worcestershire heiresses.⁹ The prevalence of marrying into

1 D.N.B. Robert Berkeley

2 *Supra*, pp.22-3, 30; D.N.B. Richard Salway; Foster, *op.cit.*, p.1305.

3 Nash, *op.cit.*, i, pp.79, 373; V.C.H. Wores., iv, p.78.

4 Nash, *op.cit.*, i, p.587; D.N.B. Thomas Habington.

5 *Supra*, p.30.

6 *Visitation of Worcestershire 1634*, *passim*.

7 *Ibid.*, p.10 is more convincing that the more elaborate and possibly invented genealogy in *Visitation of Worcestershire 1682-3*, p.12.

8 *Visitation of Worcestershire 1634*, p.42.

9 *Ibid.*, *passim*.

the gentry suggests that failure in the male line was the main reason for disappearance of families. At least one family, however, is said to have overstrained its resources owing to the cost of magistracy. Edmund Colles, one of the few Worcestershire gentlemen to rise by the purchase of monastic lands, had an income of about £1000 *per annum*,¹ sufficient, one would have thought, to maintain him in his role as "a grave and learned justice" but "being loaded with debts (which like a snowball from the Malvern Hills gathered increase)" was obliged to sell his estate.²

It is often supposed that the counties far removed from London were "provincial" in the most pejorative meaning of the term. Gleason frequently indicates his belief that the Marcher counties were backward,³ and Dyer appears to agree for he contrasts Worcestershire and the Highland Zone with the "sophisticated and highly urbanized south and east".⁴ It is probable that Worcestershire was less exposed to cultural influences than were counties nearer the capital but it would be incorrect to assume that all the gentry were country bumpkins, even the magnates similar to Justice Slender and Justice Shallow.⁵ In the first place, most gentlemen and many persons below the gentry must have received an elementary education. There was a grammar school in every borough and free schools in most parishes. Even the grammar schools were usually free either to all inhabitants of the parish in which they were situated or to the poor. The foundation or re-foundation of several endowed grammar schools in the second half of the sixteenth century indicates that Worcestershire participated in the educational revolution.⁶

The King's School in Worcester established a national reputation under the headmastership of Henry Bright (1589-1627), the "*celeberrimus gymnasiarcha*" of the memorial inscription in Worcester Cathedral, a teacher of Latin, Greek and Hebrew. Unfortunately the admission

1 E.179/201/244, f.3. (1597)

2 V.C.H. Worcs., iv, p.108; Nash, *op.cit.*, ii, pp.73-4.

3 J.H. Gleason, *The Justices of the Peace in England, 1558-1640*, 1969, pp.212-5.

4 Dyer, p.255.

5 Sir Thomas Lucy of Charlcote (1532-1600), supposed model for Justice Shallow, owned land in Worcestershire and was sheriff in 1586. D.N.B.

6 There were endowed grammar schools in Worcester (2), Bewdley, Bromsgrove, Dudley, Evesham, Feckenham, Hartlebury, Kidderminster, Martley, Kings Norton, Rock, Stourbridge, and Wolverley. See D. Robinson, *The Old Order Book of Hartlebury Grammar School, 1556-1752*, Worcestershire Historical Society, 1904; N. Carlisle, *A Concise Description of the Endowed Grammar Schools in England and Wales*, 1818; Bodl. MS Wase has information about schools existing after the Restoration.

register is not known to have survived but the names of the forty King's scholars were recorded. A considerable proportion of these were the sons of clergymen, often the prebends who had the right of nomination.¹ It is probable that most of the gentry families sent their sons to the grammar school nearest their homes. Few magnate families sent their sons to national foundations. Neither Worcestershire branch of the Sandys family maintained the tradition of education at Merchant Taylors even though several of Bishop Edwin Sandys's other descendents did.² Unfortunately the Oxford college registers do not record the school of those matriculating and the number of Worcestershire scholars at Cambridge was too small to make possible any statistical information about the pre-university education of the county gentry.

A considerable proportion of the Worcestershire gentry obtained a higher education.³ The debate concerning the value of an education at the universities and Inns of Court is too complex for discussion in the space which could be allocated here but the increasing proportion of Worcestershire gentlemen who spent time at Oxford or in London during their late adolescence and early manhood must have contributed to national awareness, and have spread more widely knowledge of the intellectual ferment of the time. It introduced some to a love of books and even a life of scholarship. Wood wrote of Francis Hickes, the son of a weaver who graduated from university then founded a minor gentry family in Shipston-upon-Stour, that though he "spent his time in husbandry, yet he never lost the true tast and relish that distinguishes men of education". Hickes spent his leisure translating the Greek authors into Latin.⁴

The intellectual life of the county was stimulated by some of the leading gentry. Both Thomas Habington senior and his son were scholars the first devoting himself to historical and antiquarian research, the second to translating French poetry and writing original works. Hindlip

1 A.H. Leach, *Early Education in Worcester*, Worcestershire Historical Society, 1913, pp.lxvii-lxviii, 252-82.

2 E.P. Hart (ed.), *Merchant Taylors' School Register*, 1930, ii, Sandys.

3 33.08% of heads of families recognised as armigerous in 1634 had attended Oxford, 0.77% Cambridge, 25.38 % an Inn of Court. 16.92% had studied at both a university and an Inn of Court. Foster, *op.cit.*; J and J.A. Venn(ed.), *Alumni Cantabrigiensis*, 1922-7; H.A.C. Sturgess (ed.), *Register of Admissions to the Honourable Society of the Middle Temple*, 1949 W.P. Baildon (ed.), *Records of the Honorable Society of Lincoln's Inn i, Admissions from A.D.1420 to A.D.1799*, 1896; J.Foster (ed.), *The Register of Admissions to Gray's Inn, 1521-1889*, 1889; *Students Admitted to the Inner Temple (1547-1660)*, 1877. Persons attending both Oxford and Cambridge have been counted only at the university at which they matriculated.

4 A. Wood, *Athenae Oxoniensis*, (ed. P.Bliss), ii, cols.584-5; His 161 income was about £250 p.a. E.179/201/273,f.4^v. *Visitation of Worcester-shire 1634*, pp.47-8. He founded a family of scholars and clergymen.

was a haven for priests and Catholic scholars as well as the notorious astrologer, Dr Lambe.¹ Though the Sheldons were not as well known for their intellectual interests as were the Habingtons, Edward, a younger son of the Sheldons of Beoley studied both at Oxford and abroad, became a noted linguist, and the writer or translator of four Roman Catholic religious works.²

At Westwood in the mid-seventeenth century Lady Dorothy Pakington was the centre of a devotedly Anglican circle and she and her husband provided "a comfortable asylum for all the men of learning of those times".³ Men such as Richard Allstree, future Provost of Eton, Richard Hammond, chaplain to Charles I, who died at Westwood in 1650, Dr Fell, Dean of Christchurch and Bishop of Oxford, Bishop Morley of Winchester, and Bishop Thomas of St Davids and Worcester all gathered at Westwood and were offered shelter during the Interregnum. Lady Dorothy may have been author or co-author of *The Whole Duty of Man*. The heir of Sir John and Lady Dorothy, the third baronet, was a pupil of George Hickes, the non-juror, and reputed to be one of the finest Anglo-Saxon scholars of his time.

Sir John and Lady Rous were the friends and patrons of Richard Baxter and much of *The Saints' Everlasting Rest* was written at Rous Lench.⁵ Sir William Russell of Strensham gave Samuel Butler his start in life and Leonard Jefferies may possibly have employed him as his clerk.⁶ Worcestershire was the home of such noted jurists as Lord Keeper Coventry, Sir Robert Berkeley and John Wilde as well as the Lyttleton legal dynasty. The presence of such men must have contributed to the knowledge of law and awareness of constitutional questions among the gentry of the shire. The number of clergymen who published sermons suggests that there was a fairly high level of theological awareness among the lay reading public.

One indication of the diffusion of intellectual culture is the ownership of books. Unfortunately seventeenth century inventories, unlike those of sixteenth century Worcester, rarely list the number of books owned by the deceased or give their titles. However at Easter 1658 Walter Savage of Broadway recorded in his commonplace book that he

1 V.C.H. Worcs., iii, p.399; Wood, *op.cit.*, cols.222-5; D.N.B.; Habington, *op.cit.*, i, Introduction.

2 Wood, *op.cit.*, iv, cols.205-7.

3 E.A.B. Barnard, "The Pakingtons of Westwood", *T.W.A.S.*, n.s.13, 1937, p.44.

4 *Ibid.*, pp.28-49; D.N.B. Sir John Pakington. George Hickes was Dean of Worcester from 1683 till the Revolution.

5 *Reliquiae Baxterianae*, p.58; V.C.H. Worcs., iii, pp.498-9.

6 D.N.B. Samuel Butler.

received "ye number of ye Bookes wch I had from Mrs Priest wch were her sonns, in lether-covers 103, in parchment and paper cover, 122".¹ In 1668 he noted the purchase of 38 books valued at sixteen shillings. These include such obvious choices as Caesar's *Commentaries*, Plutarch's *Lives*, practical works such as *The Surveyor's Dialogue* and Barrough's *Method of Physic*, and a mixture of classical and English literary works. It is apparent from the titles that the purchaser was familiar with the Latin tongue and the presence of a Greek *Testament*, Aesop's *Fables* in Latin and Greek and Posselii *Colloquia Graecae* probably indicates at least a passing acquaintance with classical Greek. Among the collection of contemporary works were Shakespeare's *Poems* in the first edition of 1640 and *Castara*, a collection of poems published in 1635 by William Habington of Hindlip.² Walter Savage, a gentleman who does not appear to have attended either Oxford or Cambridge, was obviously a man of catholic tastes in literature, familiar with both the classical authors and the vernacular works of his own day.

Henry Townshend of Elmley Lovett was the country gentleman whose position as a magistrate and Royalist commissioner during the civil war owed most to his personal qualities and least to wealth. Townshend, whose income was only £200 *per annum* according to the 1642 subsidy assessment, a little less in the composition papers, had a lower income than any other Worcestershire magistrate and was a comparative newcomer to the county.³ He was the son of Sir Henry Townshend of Cound in Shropshire, a barrister and professional member of the Council of Wales who appeared on every Worcestershire commission of the peace from at least 1603 until his death in 1620. The Worcestershire Henry Townshend was born to his second wife, Dorothy, daughter of Christopher Heveningham of Staffordshire and widow of Henry Vernon of the same county.⁴ After a distinguished school career at Shrewsbury, Henry Townshend matriculated at St Mary Hall, Oxford, in 1616 and graduated B.A. in 1618, completing his degree at the age of seventeen.⁵ Despite his interest in legal matters he does not appear to have attended any of the Inns of Court. His first wife was Elizabeth, daughter and co-heir of Sir John Acton, whose quarter share in the manor of Elmley Lovett brought him to Worcestershire.

1 E.A.B. Barnard, "The Savages of Broadway", *T.W.A.S.*, n.s.10, 1934, p.51.

2 *Ibid.*, pp.53-4.

3 E.179/201/311, f.3^v; *C.C.C.*, p.1450.

4 *Visitation of Worcestershire 1634*, pp.96-7.

5 Foster, *op.cit.*, p.1500; W. Phillips, "Letters of Sir Henry Townshend, Knt, Steward of Shrewsbury", *Shropshire Architectural and Natural History Society Transactions*, Series 2, 10, 1898, p.334.

It is certain that Townshend later purchased an additional portion of the manor and possible that he acquired at least a life interest in all of it before 1640.¹ Both his marriages were prudent, from the financial point of view, for it was with the money of his second wife, widow of John Dobbins and daughter of Henry Bright, that Townshend was able to enlarge his estate at Elmley Lovett.²

Henry Townshend was a man of learning, though, not as far as is known, of original scholarship. In his will he made special provision for the disposition of his books.

To Sr Ralph Clare I giue two of the Choycest Historicall books I have wch is Sr Walter Reileigh 1 & 2 pt of the History of the world. And as for my study of books my desire is that they may not be sold, But that my son Henry Townshend & the heirs of my family may have all my Historicall and Morall books of all sorts, And that such of my yonger sonnes Rowland & Charles Townshend as will apply themselves either to divinity or law, may have all those books wch belong to their severall pfections; except my Great Statute book, my little book with noates of the office of a Justice of peace, And a manuscript written wth my own hand of Adjudged Cases collected out of severall Judicious Authors & learned Judges in English to my sd son Henry & his heirs. 3

If only an inventory of Townshend's books had survived! All we know is that they were valued at £15, a sum large enough to buy a library of 456 books of the same average price as those purchased by Walter Savage in 1668.⁴ Though the value of Townshend's library was less than half the average of 26 Royalist libraries studied by Roy, the owners were men of national status.⁵ Furthermore the average value was inflated by the inclusion of Conway's £200 library. Townshend's library was a little below the median value of those studied by Roy and obviously much larger than that of the typical country gentleman. It is clear from his will that Townshend was a student of history, philosophy, religion, and the law, and that his taste for history, at least, was shared by his friend, fellow J.P. and Royalist Commissioner, Sir Ralph Clare.

Townshend was one of the most conscientious Worcestershire J.P.s, and although not a member of the *quorum* before the civil war, may have been chairman of sessions from the Restoration until his death in 1663. His serious approach to his magisterial duties is shown by the collection of legal cases and precedents mentioned in his will, and the detailed

1 V.C.H. Worcs., iv, p.108.

2 *Ibid.*; W.R.O. 005.252; 1897/2. Townshend estate papers.

3 W.R.O. 008.7; 3585/353.

4 W.R.O. 008.9: 3585/797, no.436.

5 I. Roy, "The Libraries of Edward, 2nd Viscount Conway, and Others: an Inventory and Valuation of 1643", *Bulletin of the Institute of Historical Research*, 41, 1968, pp.35-46.

analysis of the powers and duties of sheriffs included in his diary, probably because he was nominated as sheriff in 1639.¹ Townshend reveals something of his character in his so-called diary. Though the greater part of this consists of copies of official documents and information about public affairs, and, in contrast to many of the well known puritan diaries it is not at all introspective, the man is revealed by his work. The information which he recorded about Parliamentary and other national affairs shows that he must have been an avid reader of newspapers and perhaps a correspondent of politically interested gentlemen in London as was Henry Russell of Little Malvern Court.² Though living in a remote corner of northern Worcestershire, Henry Townshend was no backwoodsman cut off from the events of the metropolis. In his copying of official documents he reveals the care and conscientiousness of a good civil servant. It is very rare for there to be any discrepancy between a surviving original and Townshend's copy.

A study of Townshend's diary is very revealing of the attitudes which led a majority of the county gentry to support the King. Townshend was no high flying Cavalier but a moderate constitutionalist, a man who represented in the county the principles expounded by Clarendon in central government. He was a critic of the soldiers and counsellors who advocated extreme policies, and a Royalist who admired the determination and hard work of his opponents. Perhaps this is not surprising - in Townshend's character there was much of the puritan, especially in his serious attitude to life.³

1 C.227/29; The interleaved copy of *The Compleat Justice*, annotated by Henry Townshend, is now in the Bodleian Library, MS English History, misc.e 479. The annotations have been printed with a commentary as "Henry Townshend's 'Notes of the Office of a Justice of Peace', 1661-3", (ed.) R.D. Hunt, *Miscellany II*, Worcestershire Historical Society, 1967. For Townshend's possible chairmanship of post-Restoration quarter sessions see Hunt, pp.73-4. Townshend may have revised his notes shortly before his death. The fly-leaf date of the Bodleian copy of *The Compleat Justice* is 1661, yet he made his will on 26 February 1660/1 and died in 1663. Perhaps the keeping of a journal of events was a family tradition among the Townshends. Henry's much older half-brother, Hayward, left a diary of the 1601 Parliament which may have been the most important source for D'Ewes better known work. Hayward represented Bishop's Castle in 1597 and 1601. He was a B.A. of St Mary Hall, Oxford, a barrister of Lincoln's Inn and probably the youngest M.P. in 1597. A.F. Pollard and M. Blatcher, "Hayward Townshend's Journals", *Bulletin of the Institute of Historical Research*, 12, 1934; 13, 1935; 14, 1936; and 15, 1937.

2 W.R.O. 705; 24/623 (27). Lord Stamford to Mr John Russell, 16 September 1640, giving information about events in Scotland and speculating about the possibility of a Parliament.

3 Townshend, *Diary*, i, pp.38-9. His admiration of certain aspects of county government in areas held by Parliament may have been an oblique criticism of his own side. He specially commended civilian control and the good conduct of garrison troops in areas held by Parliament.

In religion, though, he was decidedly Anglican. In a codicil added to his will in September 1662 he desired to be buried at "the feet of that Blessed Bishop & most admirable preacher Bishop John Gauden" should he die in the city of Worcester,¹ he wrote with praise of choral services in Worcester Cathedral and seemed to approve of prayers for the dead being said at the burial of his daughter in 1660, something which appears to be inconsistent with the trust "wholly and alone upon the Meritts & mrcyes of my Deare Saviour for Remission of sinnes" expressed in his will.² It is possible that the Townshend family moved in Anglican circles which regarded purgatory as an issue for debate. Disbelief in purgatory, along with the errors of Romanists and sectaries, is expressed in the memorial inscription of the second Henry Townshend of Elmley Lovett.³

Henry Townshend was obviously a man of exceptional qualities and his interest in and awareness of national politics was probably as superior to that of the average country gentleman as was his administrative ability to that of the typical J.P. However, Townshend was not unique. In country houses throughout Worcestershire were men and women of intellectual culture and creativity, who took an active interest in national affairs. It was these educated gentry who were the opinion formers in the county.

One can feel sure that the cultural interests of the Worcestershire gentry were not purely bookish. Sir Henry Herbert, the Master of the Revels, must have encouraged the dramatic arts and it is almost certain that the gentry shared the enthusiasm of the citizens of Worcester for music,⁴ that social gatherings were enlivened by singing, dancing and the playing of instruments. The presence of Thomas Tompkins, a well known composer, as organist in Worcester cathedral, may have raised the standards of musical appreciation in the county.⁵ The large number of portraits still surviving or reproduced in antiquarian works suggests an interest in the visual arts, but little is known about tastes in other types of painting. Samuel Butler tried his hand as an artist before turning to poetry.⁶ Dyer has stigmatised the work of the only monumental mason resident in Worcester and suggested that his professional survival depended on the citizens' lack of taste.⁷ Perhaps he is correct, but there was some discrimination in the county by

1 W.R.O. 008.7; 3585/353.

2 *Ibid.*; Townshend, *Diary*, i, pp.44, 70.

3 Elmley Lovett parish church. The diarist resided mainly in Worcester during the last years of his life and is buried in the Cathedral. Hunt, *loc. cit.*, p.

4 Dyer, p.251.

5 Foster, *op.cit.*, p.1493.

6 D.N.B. Samuel Butler.

7 Dyer, pp.252-3.

the late seventeenth century - Grinling Gibbons received at least one contract in Worcestershire.¹

Worcestershire was not lacking in men of practical intelligence. Thomas Bushell of Cleeve Prior, the expert on mineral prospecting, was able to combine academic knowledge and the successful management of affairs.² Dud Dudley's experiments in the smelting of iron with coal,³ the river improvement schemes of William Sandys,⁴ the plans for agricultural and industrial modernisation devised by Andrew Yarranton all show that the spirit of experiment and improvement had entered the county.⁵ The Foleys, whose successful innovations in the iron industry enabled them to rise from obscurity to a peerage in little more than a generation, were among the first of the English *nouveau riche* to owe their fortune to manufacture rather than trade.⁶

Another question remains. Is it possible to speak of Worcestershire ideals, of a mental orientation or set of attitudes peculiar to the county or specially represented in it? The close links of the Worcestershire gentry with the neighbouring counties and with the capital reduced the likelihood of a unique culture developing. Nevertheless the county did exhibit certain persistent characteristics. Despite the ideological orientation of Catholic gentlemen such as the Habingtons, Winters, Talbots of Grafton, Sheldons and Blounts, most Worcestershiremen were political and religious moderates, concerned to preserve accustomed ways, as ready to follow precedent in national affairs as they were to accept the custom of the manor when settling a minor land dispute. The "country", the political nation of gentlemen, freeholders and prosperous townsmen, was determined to resist the interference of central government in its affairs. In the county there was resistance to the Council of Wales, to the forced loan, to ship money and to Laudianism. All these were seen as innovations, as interference with the local community.

In the elections to the Long Parliament, the "country" expressed its abhorrence at the innovations and the centralising tendencies of Thorough. By the autumn of 1642 majority opinion held Parliament to be the innovator and the offender against precedent. Few gentlemen were dedicated Cavaliers; their moderation and conservatism led them to eschew extremism of any sort.

1 V.C.H. Wores., iv, p.253.

2 Wood, *op.cit.*, iii, cols.1007-10.

3 *Supra*, p.17.

4 *Supra*, p.10.

5 Yarranton, *op.cit.*, *passim*.

6 *Supra*, p.16.

Militant Puritan and dedicated Cavalier alike stood in the wings and struggled in vain to convert the county community into enthusiastic adherence to their cause. It may be said that moderation and conservatism contradict claims that many Worcestershire gentlemen were educated and politically aware. On the contrary, the moderates of Worcestershire were probably more typical of England as a whole than were dedicated adherents of any cause.

The gentry were aware of the conflicts between King and Parliament but most preferred an eirenarchical to an ideological solution, a negotiated settlement to war, a face saving formula to total victory by either party. References to these "unnaturall warres" were more than conventional formulae. Civil war offended concepts of order, hierarchy and community, dismembered the organic society, opened the way to anarchy. Yet when forced to choose their allegiance, the majority were Royalist and Anglican. The Worcestershire gentry were moderates, but most expressed their moderation within Anglicanism and Royalism.

II

COUNTY GOVERNMENT

In the seventeenth century the people of Worcestershire were subject to a large number of overlapping jurisdictions, to authorities operating at the national, regional, county, hundred and parish level. Though ecclesiastical jurisdiction was important in the ordinary life of the people, this study is confined to secular administration. National authority lay in the hands of the King himself, the Privy Council, Star Chamber, the central law courts, and, intermittently, Parliament. These national institutions did have the power to intervene in county affairs through their own officers, but there were practical limitations on the extent to which they could do so, and they usually had to operate through the machinery of county government. Orders from the Council could be sent directly to those involved but it was just as common for the sheriff or the judges of assize to act as links between county and central government. The law courts, too, had their own officers, and pursuivants could be sent to the county to arrest those who had defied the authority of the court. This was rare, however, and the law courts generally relied on the sheriff and J.P.s to make arrests for them. To a very considerable extent, central government needed the co-operation of the counties.

Worcestershire was one of the four English shires subject to the authority of the Council of Wales, a body which was much resented and often resisted. This organisation may be seen as a regional offshoot of the Privy Council, designed originally as a means of strengthening national authority by devolving certain administrative powers to a subordinate body responsible for a remote and turbulent part of the country. By the seventeenth century the administrative functions of the Council of Wales were much less important than its judicial role.

Within the county, power was in the hands of a triarchy of officers - the sheriff, the deputy-lieutenants and the J.P.s, all men drawn from the elite of county society. Though their work was subject to the oversight of superior authority, it was this group who were the key members of the system of county administration, for not only did they have the King's warrant for their authority, but they were drawn from among the natural leaders of county society.

By the seventeenth century the hundred was a mainly administrative unit. Its officers, the high constables and bailiffs, had little independent authority but were links in the chain of command between the county and the parish. Though the hundred courts continued to meet as late as

the reign of William and Mary, they were already unimportant by the early seventeenth century. J.P.s did sometimes meet on a hundred basis but the topographical nature of the hundreds made them a less satisfactory basis for administration than the petty sessional districts which gradually superseded them, especially after 1630. The hundreds had not developed as rational subdivisions of the county but as aggregations of manors held by monasteries in the middle ages. Of the five Worcestershire hundreds, only Halfshire did not originate from a combination of monastic estates.¹ The origin of the hundreds explains the irrational boundaries and detached portions. The problems caused by the boundaries of the hundreds once led a grand jury to recommend that measures against vagrants be organised on a basis of new divisions within the county since the hundreds were "promiscuously intermeddled".²

Below the hundred were the parish, the borough and the manor. Borough administration had grown out of parochial government or that of the manor but detailed examination of the charters of corporate towns is outside the scope of this study. After 1621 the city of Worcester was a county in itself and quite independent of shire authority. The other corporate towns had considerable powers of local government but were subject to the jurisdiction of county officers and normally sent their more serious offenders for trial at quarter sessions or assizes. Special commissions of gaol delivery were sometimes issued to the corporate towns. The manor was still of some importance as an organ of local government. The leet was able to try minor offences punishable by fine, but not to impose prison sentences or the death penalty, and the manorial courts operated as surprisingly democratic institutions when they organised the farming arrangements of the local community.

It was the parish, however, which was the most important unit of administration in rural England. Its officers, the churchwardens, the constable, the vestry, the overseers of the poor, the surveyors of highways, and the bridgewardens, were always subordinate to the J.P.s but nevertheless exercised real power in the local community.

At the top of the national administrative system stood the Privy Council, the body responsible for making policy and supervising its implementation. Many decisions of the Privy Council involved county and parochial officials, a situation which was unavoidable when the country

1 *V.C.H. Worcs.*, ii, pp.347-9, iii, pp.1-4, 246-50, iv, pp.1-3, 218-9.
 2 *W.Q.S.P.*, 1631 (99), lxxxi, 50, p.484.

was without a full-scale paid bureaucracy.

Contact with the county could be made in two ways, by letter to the sheriff, justices of the peace or deputy-lieutenants, or, secondly, by means of directions issued through the itinerant judges of assize. In many cases a combination of these two methods was used. Privy Council orders could involve either the implementation of national policy or oversight of the details of county administration.

The national concern which provoked the largest number of letters from the Privy Council to county officials was the state of the armed forces. There was a constant stream of instructions demanding the return of muster certificates, the appointment of a muster master, the recruitment of professional instructors for the trained bands, the conscription of men for foreign wars, and permission to recruit soldiers for English regiments serving Continental monarchs. The frequency with which orders were repeated and the number of times local officials were condemned for their sloth and inefficiency would suggest that government zeal for a "perfect militia" outran that of the countrymen. Second only to the militia as a cause of government intervention in the counties was poor relief in times of dearth. The Council frequently issued instructions to the J.P.s ordering them to suppress surplus alehouses, enforce the laws against engrossing grain and to provide relief for the poor. During trade depressions city and county officials were enjoined to provide food and work for the unemployed and to report their proceedings to the Council. The need to provide for the poor during the combined trade depression and food shortage of 1630 was the particular issue which induced the Council to issue the Book of Orders in 1630/1, the most concerted effort during the early seventeenth century to codify the poor laws and improve local administration.

Constant pressure from the Council was necessary to ensure that local officials co-operated in the collection of loans and non-Parliamentary taxation. Frequent letters were sent encouraging the collection of the loans of 1622 and 1625 but it was, of course, the resistance to ship money between 1636 and 1640 which produced the greatest stream of conciliar directives and reprimands to local officials.

In addition to enforcing national policies by general directives or letters insisting that particular officials enforce new or special instructions, the Council occasionally intervened in the routine administration of county affairs. For example, in 1615 the Council investigated a claim that the sheriff of Worcestershire had detained goods to the value of £600

to satisfy a debt of £460,¹ in 1619 it heard the case of a clergyman charged with uttering a prayer disrespectful to the King,² and it had to enforce the payment of maimed soldiers' pensions on at least three occasions.³ Other Worcestershire cases involving the direct intervention of the Council include false arrest,⁴ riot,⁵ plague relief,⁶ and a false charge that a gentleman had infected his nieces with the "French pox".⁷ In short, every aspect of county administration was subject to the oversight of the Privy Council.

Nineteenth century whig historians gave Star Chamber its popular reputation as an instrument of Stuart despotism. More objective appraisals have shown that the court was popular with litigants, usually just in its decisions, and a tribunal more used to hearing trivia than great matters of state.⁸ The most recent student of the Star Chamber has concluded that in the late sixteenth and early seventeenth centuries it was

a court of law, fixed solidly in the firmament of English judicature, administering the historically founded yet changing Common Law by a procedure different from that of the Common Law though acceptable to the common lawyers and sanctioned by the judges of the Common Law courts of King's Bench, Common Pleas and Exchequer. 9

Star Chamber was originally intended to hear cases of public importance but during the late sixteenth and early seventeenth centuries certain advantages in its procedures and the simple fact that it was yet another court in which the gentry could fight their legal battles led to an immense expansion of private business. It is the increased use of the court to suppress political opposition and for fiscal purposes in the 1630s which led to its bad reputation and abolition.¹⁰ However the bulk

1 A.P.C., 1615-16, p.259.

2 A.P.C., 1619-21, p.29.

3 A.P.C., 1619-21, p.130; A.P.C., 1625-26, p.358; A.P.C. 1630-31, p.151.

4 A.P.C., 1630-31, pp.330-1.

5 P.C.2/41, pp.485, 507-9.

6 P.C.2/48, pp.98-99.

7 P.C.2/49, pp.139-40.

8 E. Skelton, "The Court of the Star Chamber in the Reign of Elizabeth", London M.A. thesis, 1931; H.E.I. Phillips, "The Last Years of the Court of Star Chamber, 1603-1641," *Transactions of the Royal Historical Society*, 4th series, xxi, 1939, pp.103-131. Phillips shows that the situation remained virtually unchanged until the late 1630s.

9 T.G. Barnes, "Due Process and Slow Process in the Late Elizabethan-Early Stuart Star Chamber", *The American Journal of Legal History*, vi, 1961, p.224.

10 Phillips, *loc.cit.*, concluded that this reputation was not widespread until the Long Parliament and that it was deliberately promoted by the opposition as a means of bringing the policies of Charles I into disrepute. Barnes, *loc.cit.*, agrees with this judgement.

of cases heard were still private prosecutions for offences involving "violence, perjury, fraud, conspiracy, libel, oppression, official corruption and contempt of proclamations".¹

Study of Star Chamber cases involving Worcestershire, 1603-1625, shows that only a tiny minority were Crown cases prosecuted by the attorney-general and that these were concerned with the King's hunting rights, not national policy. Most cases were instigated by private suitors wishing to "make a Star Chamber matter of it". A large number of Worcestershire suits involved land. Strictly speaking, Star Chamber had neither original nor appellate jurisdiction over property disputes but litigants brought them within its cognisance by charging perjury or violence. Cases of assault on officials or resistance to legal authority came before Star Chamber, on average, only once a year but such offences were heard in the Council of Wales, the assizes and quarter sessions much more commonly than in Star Chamber. The numerous charges of corrupt practices in court, bribery, extortion, false arrest, and jury packing reveal something of the corruption of the times and also willingness to charge venality in the hope of having reversed a decision honestly taken.

Star Chamber was a popular court as far as Worcestershire litigants were concerned. There were still lacunae in the established jurisdictions of common law and equity and Star Chamber helped fill these as well as provide redress against tyrannical officials and unruly subjects. It is worthy of notice that in the Jacobean era Star Chamber did not hear any cases of Worcestershire officials refusing or neglecting to perform duties, or, with one dubious exception, of simple refusal of subjects to obey orders from the Privy Council. In these cases the Council itself threatened, cajoled and punished. Positive wrong-doing lay within the sphere of Star Chamber, simple neglect and disobedience were normally dealt with by the Council.

The Council of Wales originated in the later fifteenth century but did not become a formal conciliar court until the 1530s. Though apparently a measure of decentralisation, foundation of the court was essentially an attempt to strengthen central control over areas which were regarded as remote and lawless. The Council exercised jurisdiction over the twelve Welsh counties, Monmouth, Hereford, Gloucester, Worcester, Shropshire, and until 1569, Cheshire. Though the Council of Wales was originally intended to be a regional Privy Council with extensive administrative

1 Phillips, *loc.cit.*, p.115.

duties, it had assumed a primarily judicial role by the seventeenth century. While administrative instructions were sometimes sent from London to the Council of Wales for transmission to the counties, direct contact with sheriffs and J.P.s was much more common. Only in military matters did the President of the Council have an important administrative role and this did not belong to him *ex officio* but because the President was usually lord-lieutenant of all the counties under his jurisdiction.¹

During the Elizabethan period, the Council had been responsible for the regulation of almost every aspect of life within Wales and the Marches² but under the Stuarts it made rare excursions into executive government. In the 1620s it suppressed writings against the Spanish match, prohibited the operation of a lottery at Bewdley and took steps to ensure that there was no violence at a Worcestershire election;³ in the following decade it played some slight part in enforcing the policies of the personal rule.⁴ Despite its vestigial administrative powers, the Council of Wales was primarily a court of law in the seventeenth century.

The Council had very wide judicial powers over both civil and criminal cases. The over-lap between the powers of the Council of Wales, the common law courts and the ecclesiastical courts was an important reason for attacks on its jurisdiction in the English shires. It is possible that the Council's power over civil cases fulfilled a need and allowed small suits to be heard more conveniently than at Westminster or the assizes, but in its criminal trials the court was parasitical. It tried and fined sexual offenders who had already been punished by the church courts, allowed far too much scope to common informers, and organised its activities to maximise fees rather than execute justice.⁵

Though the Council had a very large membership, most of it was honorary. There were over eighty members in the early 1630s but the usual attendance at meetings was only three or four.⁶ Business was entirely in the hands of the professional courtiers and lawyers. Though membership of the Council could have been used to gain the support of the leading county gentry who were appointed to it, most regarded their position as meaningless

1 *Infra*, p.142.

2 P. Williams, *The Council in the Marches of Wales under Elizabeth I*, Cardiff, 1958, p.312.

3 Egerton MS 2882, ff.93, 104.

4 P. Williams, "The Attack on the Council in the Marches, 1603-1642", *Transactions of the Honourable Society of Cymmrodorian*, 1961, Part.1, pp.1-22.

5 P. Williams, "The Activity of the Council in the Marches under the Early Stuarts", *Welsh History Review*, i, 1960, pp.133-160.

6 Egerton MS 2882, *passim*.

and did not feel committed to supporting the policies of the Council or even its existence.

The justices of assize were very important links between central and local government. According to Lord Keeper Francis Bacon's Star Chamber charge before summer circuit in 1617 the judges were not only administrators of justice but men who

carry the two glasses or mirrors of the State. For it is your duty in these your visitations to represent to the people the graces and care of the king; and again, upon your return, to present to the king the distastes and griefs of the people. 1

While there is no doubt that the judges did gather information for the government, it was, on the whole, related to the activities of the local governors rather than the wishes of the people. Far more important was the judges' role as messengers from the government to the county gentry. After 1595 it was customary for the Lord Keeper to address the judges in Star Chamber before they proceeded on circuit and to indicate which policies the government wished the judges to enforce most vigorously. The need to enforce religious conformity was a frequent charge. After 1631 the judges played a particularly important role in supervising the way in which the Book of Orders was implemented, and in the late 1630s judges were required to stress the legality of ship money even when they had reservations on this point themselves.² The policy of the government was explained to the J.P.s, gentlemen and freeholders of the county in the assize charge and in informal discussions with county magnates. In addition to this transmission of general policy, judges could be required to take action against specific malefactors.

Judges were also required to act as legal advisors to the J.P.s and to supervise their administrative duties. When J.P.s wished to escape responsibility for a difficult administrative decision they often called upon the judges for advice. The so-called "Resolutions of the Judges of Assize", which provided the basis for the law of settlement and other aspects of poor relief, were the response of Robert Heath to questions put to him by J.P.s in the counties of the Norfolk circuit. The judges were empowered to fine J.P.s for dereliction of duty and unlawful acts. Townshend recorded several cases of Worcestershire J.P.s being fined, but where the offences were purely technical, the fine was normally remitted.³ Judges were also important as advisers on the appointment of J.P.s and as

1 *Letters and Life of Francis Bacon*, (ed.) J. Spedding, vi, p.211.

2 B. Whitelocke, *Memorials of the English Affairs*, Oxford, 1853, i., p.68.

3 Townshend, "Notes", pp.86-8.

inspectors who determined whether J.P.s still met the financial requirements of the office and they were supposed to report justices who were using their position for personal advancement or factional politics.¹

The judges were not mere mouthpieces for the government and on some occasions their failure to act against personal beliefs brought them disgrace and punishment. The enforced change of circuit inflicted on Chief Justice Richardson for his refusal to revoke his suppression of Somerset church ales is well known, and in 1610 Judge Williams was suspended for opposing the jurisdiction of the Council of Wales and allowing Herefordshire Catholics to take the oath of allegiance in a modified form.² Other judges are said to have used their office to pursue feuds with county magnates, a course of action which sometimes led to the humiliation of the judge rather than his intended victim.³ Though the judges were primarily an important link in the chain of command between Council and county, their personal predilections could have a significant influence on county government.

At the county level the most important group of men were the sheriffs, deputy-lieutenants and justices of the peace, all drawn from a comparatively small group of prosperous gentry. Men of this class filled most of the positions in Commissions of Charitable Uses and Commissions of Sewers. Of these officers, the justices of the peace were collectively the largest and most important group.

"The Justices of the peace", wrote Smith, "are those in whom . . . the Prince putteth especial trust."⁴ There is no doubt that seventeenth century opinion expected the J.P.s to be drawn from among the elite of county society. The Act of 18 Henry VI required the J.P.s to have a minimum income of £20 and instructed them to notify the Lord Chancellor if it fell below that level. Lambarde had no doubt that seventeenth century justices of the peace were required to have an income equal in real terms to that of their predecessors.

Now although this portion of twentie pounds by yeare, be not at this day in account answerable to the charge and countenance of a fit Justice of the peace, yet who knoweth not, that at the making of this Lawe, it was farre otherwise: And therefore I do not doubt, but as the rate of all things is greatly growne since that time, so also there is good care taken, that none be nowe placed in the Commission, whose liuings be not answerable to the same proportion. 5

1 J.S. Cockburn, *A History of the English Assizes, 1558-1714*, Cambridge, 1972, pp.157-60.

2 *Ibid.*, pp.226-7; S.P.14/49/26.

3 Cockburn, *op.cit.*, pp.163-6.

4 Sir Thomas Smith, *De Republica Anglorum*, 1583, pp.67-8.

5 Lambarde, *Eirenarcha*, pp.30, 31-2.

Lambarde regarded the elite position of the J.P.s as a positive virtue, considering that it gave them an authority and power which could not be derived from their commission alone. In particular, the high social status of the J.P.s was seen as an advantage when it came to the settling of quarrels, a function which was emphasised by the Latin term for them, *conservatores pacis*, keepers of the peace.¹

The official responsible for the appointment of J.P.s was the Lord Chancellor. Little direct evidence concerning the selection of Worcestershire J.P.s is known to exist, but it is likely that the Lord Chancellor acted from his own knowledge of the greater gentry of the county, in response to the recommendations of the President of Wales and the justices of assize, and at the request of those county magnates who were in favour with the government.² In any case there were certain constraints on his discretion in a county as small as Worcestershire. The number of gentlemen who met the financial, social and educational requirements for admission to the bench was not large and it was essential to find J.P.s for every part of the county. The problem was exacerbated by the number of prominent Worcestershire recusants, men who would certainly have been J.P.s had they been Protestants. Only Lord Windsor was exempted from the ban on recusant justices.

The Worcestershire commission was largest in 1604, it tended to decline in size during the teens of the century, grew slightly in the early 1620s, showed a downward tendency in the mid-1630s and rose again in the years immediately before the civil war. J.H.Gleason has published two *libri pacis* commissions for Worcestershire which give the impression that the number of J.P.s in the county fell sharply between 1626 and 1636, years in which the bench of most other counties was expanding. Examination of the Patent Roll commissions, which exist for almost every year, indicates that the Worcestershire bench did become smaller in the 1630s but that the documents used by Gleason exaggerate the trend. In 1626 the number of J.P.s was greater than in the years immediately before and after; in 1636 Worcestershire had fewer J.P.s than at any other time in the decade. While Gleason's inference that the Worcestershire commission declined in size while that of most other counties was increasing is correct, the accident of document survival in the classes of document survival in the classes of record upon which he relied inflated the importance of the trend.³

1 Lambarde, *Eirenarcha*, p.10.

2 Barnes, *Somerset*, pp.41-6.

3 Gleason, pp.215-8.

The patent enrollments show that the average size of the Worcester commission was 43.5 under James and that it dropped to 42 in the reign of his successor. The reduction in the working part of the commission was slightly more pronounced, from 32.3 to 30.¹

The J.P.s are conventionally divided into the two categories of dignitaries and working justices. The former consisted of Privy Councillors, members of the Council of Wales, peers, bishops and judges. The working justices made up the rest of the commission. Contemporary lists of J.P.s indicated very clearly the category into which each J.P. was placed. Those who appeared above the judges of assize were dignitaries and those below were working justices. To emphasise this distinction a blank line was sometimes left between the two parts of the list. It is a mistake, however, to regard the dignitaries as purely ornamental, for in Worcestershire the President of the Council of Wales performed the functions of a working J.P. while in the county, occasionally signing recognisances and once sitting on the bench at quarter sessions.² The Bishop of Worcester and Lord Dudley were both active justices. Bishop John Thornborough signed forty-four documents preserved in the Worcestershire quarter sessions' papers and other Bishops of Worcester also played their part in county government. The Bishop of Hereford, too, occasionally participated in Worcestershire affairs as part of the county lay within his diocese. Most magisterial duties were, of course, performed by members of the working commission. Of the seventy-three different men who signed documents as J.P.s during the reign of James I, only five were dignitaries, and of the sixty-six acting in that of his son, only three.³

Just as the dignitaries could be divided into two groups, one of remote national figures who played no part in county affairs, and the other of peers, bishops and judges who did play a part in county government, the "working commission" included both resident gentry who actually performed the magisterial functions and non-residents whose role was as nominal as that of the national figures who headed the list of dignitaries. In Worcestershire the number of honorary appointments was low and this reflects the comparative isolation of the county from London. Counties near the capital had many magistrates whose main interests were in London and who played little part in county government. Far from the Court and London businessmen with aspirations to a place in county society, Worcestershire

1 Calculated from commissions in C.66.

2 *W.Q.S.P.* 1623 (56), xlvii, 34, p.355; K.B.9/760, f.273.

3 *W.Q.S.P.*, pp.xxi-xxii and xxviii-xxix.

commissions were much more the preserve of long established county gentry than were those in counties bordering London.¹ Most of the small group of courtiers and London merchants who were J.P.s in Worcestershire had made their residence in the county and they were active in local affairs.

In the early Jacobean period the Worcestershire commission was swollen by professional members of the Council of Wales. There were, for example, seven members of the working commission who also held a position in the Council of Wales in 1608. In the 1620s and 1630s, however, the number dropped to between four and five and the change is more significant than is indicated by the fall in numbers alone. Under James several members of the county bench were appointed simply because they held posts in the Council of Wales - they had no estates or interests in Worcestershire, signed no quarter sessions' documents and are never recorded as having sat as magistrates. In the late 1620s and 1630s the men who held dual status were county magnates, leaders in county affairs and purely honorary members of the Council of Wales.

By and large, the Worcestershire J.P.s were among the wealthiest men in the county. Incomes have been estimated for 73 of the 113 men who served in the working commission between 1603 and 1641. Their average income was £794.51. Under James the commission included a higher proportion of magistrates resident outside the county and their presence helps explain the greater average income (£853.04) of Jacobean J.P.s. Under Charles, the average dropped to £647.62. The fourteen J.P.s appointed between 1625 and 1639 whose incomes can be calculated averaged only £487.50 *per annum* but the appointment of a number of wealthy men in 1640/1 reversed the trend towards a bench with lower financial status.² It is apparent, however, that under Charles the exclusion of professional members of the Council of Wales and the smaller number of regional magnates made necessary the admission of several gentlemen of the middle rank. In both reigns, though, the incomes of J.P.s were well above the average for esquires. With few exceptions, the J.P.s were drawn from among the financially elite.

It social status, too, the commission of the peace constituted an exclusive body. The resident peers, the baronets, and virtually all the knights except recusants were at some time J.P.s. Between a quarter and a third of the working J.P.s were knights or baronets. All the rest are described as esquire, but as any J.P. who did not otherwise qualify for this designation was entitled to assume it during his term of office, this does not

1 Gleason, *op.cit.*, pp.126-139; C.H. Glanville, "Some Aspects of the County of Surrey, 1580-1620", London Ph.D. thesis, 1972, p.68.

2 Appendix II.

reveal the number of J.P.s who were below this status at the time of their appointment. It does not appear, however, that any mere gentlemen were appointed to the Worcestershire commission before the Interregnum. Under James there were few clergymen on the working part of the commission, rarely more than two and sometimes none. After 1625 it was usual to have three or four clerical J.P.s. The number of barristers was highest in the early Jacobean years and fell as the practice of appointing professional members to the Council of Wales to the benches of the marcher counties died out.¹

The clergy and the barristers helped, of course, to swell the number of J.P.s with higher education, but even when the professionals are excluded, the number of men educated at university or an Inn of Court was always significant and it increased dramatically in the early seventeenth century. Of the 114 men who served on the working part of the Worcestershire commission between 1603 and 1641, 48.24% had attended a university, 46.49% had studied at one of the Inns of Court, and 26.32% had been educated at both.² The number with a university education increased from 20.58% in 1608 to 51.72% in 1626 and 50% in 1636. In 1608 55.88% had attended an Inn of Court, in 1626, 62.07%, and in 1636 41.91% had received a legal education.³ The decline in the number of J.P.s who had studied the common law reflects the influence of the two clergymen and two ecclesiastical administrators on the small commission of 1636 as well as the absence of professional members of the Council of Wales.⁴

Only about a quarter of the gentry families in Worcestershire ever provided a J.P. and there are many commissions from which members of certain leading families are omitted. The gentry who were never included in a commission were either minor, with subsidy assessments of under £10 or even £5, and lacking in the university or legal education which would have raised their horizons above purely local matters, or they were recusants. Where leading families were omitted for long periods, the explanation can usually be found in minority or absence from the country. There were few heads of greater gentry families, except Catholics, who did not serve on the commission. Perhaps the most surprising absentee from the Worcestershire commission was Sir Thomas Bromley. His omission was probably a matter of personal preference.⁵ Eligibility did not depend on any single factor. Many gentlemen with incomes of under £500 *per annum* were appointed as J.P.s if they had

1 Gleason, *op.cit.*, pp.86-8.

2 Calculated from commissions in C.66 and admission registers to Universities and Inns of Court. For full references to latter see *supra*, p.36.

3 Gleason, *op.cit.*, pp.86-8.

4 *Ibid.*, pp.215-9.

5 *Supra*, p.29.

university or legal training or belonged to an ancient family.¹

The increase in the proportion of J.P.s with higher education can be best explained by the rapid expansion of lay education in the late sixteenth and early seventeenth centuries. It is doubtful if there was any conscious desire to appoint university educated men. At all times, though, some stress had been placed on appointing justices who had some knowledge of the law and legal training was supposed to be a prerequisite for admission to the *quorum*.

Reasons for appointment to the *quorum* were not always as clear in practice as they were in theory. The expected correlation between legal qualifications or long service and inclusion in the *quorum* is not always found. Even though he was a serjeant at law and had been a member of the commission since June 1627, Richard Cresheld was not appointed to the *quorum* until 1639. Equally anomalous was the position of Sir John Bucke, first listed on a patent roll commission in 1609, but already attending sessions in the previous year, whose marathon experience on the bench, regular attendance at quarter sessions, diligent out of sessions' activities, knighthood, study at Oxford and the Inner Temple, and term as member of Parliament, was not recognised by admission to the *quorum*.² He does appear in the *quorum* in the single year, 1632, but this isolated entry can scarcely be anything but a clerical error. Income may have played some part in determining who would be admitted to the *quorum*, but in 1608 Sir Arnold Ligon, a knight with a subsidy assessment of £20, was not of the *quorum*, while several persons listed at only £10 were. Sir Arnold Ligon was still not a member of the *quorum* at the time of his death in 1612. Occasionally, promotion to the *quorum* followed years of service, as in the case of Leonard Jeffreys who first appeared in the bottom place of the commission in 1608, and was moved to near the top of the esquires and appointed to the *quorum* in 1613.³

Unlike the Norfolk commission in the Elizabethan era, that of Worcestershire in the early seventeenth century was relatively stable.⁴ Once appointed, men usually remained J.P.s until death or extreme old age unless they went abroad. Following their appointment, they usually moved higher and higher in the commission as their seniors died and newer men were placed after them, though knights were always placed before clergymen,

1 Henry Townshend, the diarist, was the most notable example of a man whose family connections and personal qualities outweighed a small income.

2 Appendix II; C.66, various rolls.

3 Based on Patent Roll commissions, C.66.

4 A.H. Smith, "The Elizabethan Gentry of Norfolk: Office-Holding and Faction", University of London Ph.D. thesis, 1959, *passim*.

and clergymen before esquires. Usually a new appointee was placed at the bottom of the social category to which he belonged, but this was not necessarily so, Thomas Graves being placed second to top in the esquires' part of the 1636 commission. When Thomas Good was first appointed in 1629 he was inexplicably placed above another recent appointee, William Warmestry, and thereafter the two gradually rose from the bottom of the commission as most newcomers were placed below them. Despite the temptation to place both father and son on the commission, this was rare in Worcestershire. The most notable example was the appointment of Sir John Pakington, the first baronet, while his father was still living and a Worcestershire J.P.¹ It was usual, however, for adult sons to be appointed almost immediately after their father's death, and where a minority occurred in a magnate family, the head commonly took his place on the bench as soon as he came of age. The four year gap between the death of Sir Richard Graves and the appointment of his heir, Thomas, is probably explained by nothing more than the youth of the new head of the family.²

There is nothing to suggest that factional rivalries played a part in either the making of appointments or in changes of precedence within the commission. There were few large changes of place which cannot be explained by the grant of knighthood or baronetcy which automatically raised the recipient to a higher category. It is notable, however, that during the 1630s, Thomas Coventry's position as *custos rotulorum* won him first place in the working part of the commission even though he was only an esquire and there were up to three baronets on the bench. During his long tenure of office, Sir John Pakington senior had not always appeared above the baronets.

It was comparatively rare, too, for J.P.s to be dismissed and when they were, there is tantalisingly little information to show the cause. The reason for William Ingram's dismissal in July 1615 and restoration in March 1618 is quite unknown as is that of Richard Skinner who was dropped for a short period before being restored in July 1626. His fall from grace was so short lived that he was not omitted from any Patent Roll commission before the order to restore him was made.³ The number of suspensions and dismissals are, like the number of changes of precedence within the commission, too few to suggest that factional politics played a substantial part in the appointment or status of individual justices of the peace. In a county with a relatively small group

1 For discussion of sources see Appendix II.

2 F.A. Bates, *Graves Memoirs of the Civil War*, 1927, p.105.

3 C.231/4, ff.6^v, 60^v (William Ingram); *Ibid.*, f.207 (Richard Skinner).

of upper gentry and little competition from outsiders the status of magistrate could be granted to most who aspired to it and ferocious squabbles for place were unnecessary.

The J.P.s constituted an elite; they were chosen from among the upper ranks of a rural society, men of wealth, education and local influence, men acquainted with the wider world outside the county. They were the natural leaders of a hierarchical society.

The tremendous prestige of the bench owed a great deal to the quality of the men who were appointed to it. Any attempt to exclude county magnates from the commission would only have weakened its authority. While the power exercised by the J.P.s was in law derived from the King, their standing in the local community was only partially a result of the commission. For the lesser gentry, appointment as a J.P. gave an increase in status which owed as much to their recognition as the social equals of the magnates as to the specific authority they derived from the King. The J.P.s may be seen as members of an exclusive club, membership of which was controlled by the Lord Chancellor, but which owed its prestige as much to the quality of its members as to the method of their appointment or the powers and privileges which membership conferred. Exclusion of individual gentlemen from the commission of the peace could weaken their local influence and provide the government with a very effective method of discipline. However the power of the government was circumvented by knowledge that exclusion of any substantial number of a county's natural leaders would only have weakened the authority of the bench.

The J.P.s exercised an enormous variety of powers. Acting alone, a J.P. could take security of the peace on a *supplicavit* from Chancery, or, in the case of riot, forcible entry or forcible holding, on his own authority. He was empowered to take such security from any official, even the sheriff or another J.P. Peers, however, could be bound to keep the peace only by the issue of a subpoena by the Lord Chancellor. Likewise, the single justice could release any man he had bound to keep the peace. He was, however, expected to send details of recognisances and releases to the *custos rotulorum*. In cases involving forcible holding the J.P. could on his own authority issue a *mittimus* ordering the county gaoler to keep the offender in custody until he was fined for the offence.¹ He could order flesh killed in Lent to be confiscated and given to the poor,² have

1 Lambarde, *Eirenarcha*, pp.77-94.

2 5 Elizabeth cap.iii.

trespassers whipped,¹ and order the imprisonment of vagabonds and those using seditious words.² He also had considerable powers to regulate trade, being able to determine the price at which certain goods could be sold at market.³ The single J.P. had considerable powers over recusants, being able to administer the oath of allegiance to persons suspected of recusancy, to receive their submission, and to issue the warrant upon which the churchwardens levied the fine of one shilling for absence from church. If the recusant could not or would not pay, the J.P. could have him imprisoned.⁴

Even where the J.P. had no authority to punish, his criminal jurisdiction was extensive. J.P.s acting alone were empowered to take depositions from any person accused of crime, and it appears that justices attempted to get confessions where they could. Depositions taken before J.P.s are a fairly common class of document preserved among the Worcester-shire quarter sessions' papers, and it is obvious from these that the J.P.s subjected the accused to an interrogation similar to that which suspects had to undergo in the prerogative courts. The object of these examinations is perhaps indicated by the words with which they usually end - "further he confesseth not" - even where the accused has not admitted any crime. The J.P.s could also take depositions from witnesses and require them to give bond to testify when the case came to court. On the basis of this initial hearing, the accused could be either discharged, bound over to keep the peace or be of good behaviour, bound to appear at quarter sessions, or imprisoned until his case was heard at quarter sessions or the assizes.

Two J.P.s acting together had even greater powers. They were responsible for enforcing statutes and quarter sessions' orders relating to rogues and vagabonds, to the poor, to labourers and apprentices. They had power to license and discharge alehouse keepers, to enforce statutory regulations in the wool trade, to supervise weights and measures and to fine officers of boroughs and market towns using false weights, and they played a very important role in the assessment of local taxes.⁵ Only two J.P.s, one of the *quorum*, were needed for the holding of a valid quarter sessions, and judicial business was often delegated to pairs of justices by quarter sessions or Exchequer Commission.

1 14 Elizabeth cap. 5.

2 *Ibid.*; 23 Elizabeth cap.ii.sec.vi.

3 4 Edward IV, cap.i.

4 3 and 4 James I, cap. xvii.

5 E. Trotter, *Seventeenth Century Life in the Country Parish*, 1919, p.212.

Despite the emphasis placed on the decline of the shrievalty by many twentieth century historians, the sheriff was still the most important individual officer in the county. The functions of the sheriff's office are discussed elsewhere, but it can be demonstrated that his social status remained relatively constant during the period 1603-1642. In the reigns of both James and Charles approximately two-thirds of the sheriffs were Worcestershire J.P.s and they were fairly typical members of the magisterial class in terms of education and wealth. Their income was just below that of J.P.s - £693.88 *per annum* for sheriffs and £794.51 for justices.¹ However there was a fall in the average income of sheriffs from £812.03 under James to £516.66 in the reign of his successor. This decline in income reflects the reduction observed among the J.P.s and the gentry class as a whole. It does not support the view that there was a sharp decline in the status of sheriffs during the first half of the seventeenth century. The proportion of sheriffs who had obtained a tertiary education was slightly below that of the magistrates though, with the exception of attendance at a university alone, distinctly above that of heads of families in the 1634 visitation.² It is apparent that there was a slight fall in the status of sheriffs during the late 1630s, a time when the problem of collecting ship money made it important to appoint men with the greatest possible influence. However the decline in the status of sheriffs should not be exaggerated. All sheriffs were men of the magisterial class and in both reigns magnates were appointed as well as men of the middle rank. Under Charles, Sir Walter Devereux (1626), Sir William Russell (1636) and Sir John Rous (1637) served as sheriff and showed that the office was still available to men of the highest rank in the county.

Relative newcomers to the county were often appointed to the shrievalty. This suggests that the office was regarded as a burden as well as an honour. Although appointment as sheriff might have been seen as a mark of enhanced social status in the case of some appointees, this could scarcely have been so for a wealthy baronet such as Sir Walter Devereux. For him, and even for John Culpepper, member of a well-known Kent and Sussex family, appointment as sheriff cannot be seen as conferring any social cachet.³ The shrievalty must have been granted to these men because it was felt that those new to Worcestershire society should share as soon as possible in one of

1 *Supra*, p. 54; Appendix II.

2 Of 42 sheriffs (counting both those who died in office and their successors), 13 (30.95%) had attended university, 16 (39.10%) an Inn of Court, 9 (21.43%) both. Only 4 (9.52%) had no higher education. *Supra*, pp. 36, 55.

3 Gleason, *op.cit.*, pp. 217-8.

the more burdensome offices. The fact that newcomers were appointed does not prove that the office of sheriff was declining in importance for men of wealth who had simply moved their interest from one county to another were no less competent to perform the duties of sheriff than were those long established in the county. Perhaps the only example of a man recently settled in Worcestershire who may have been using the shrievalty as a means of raising his social position was Daniel Dobbins, a Gloucestershire man married to the daughter of a London merchant, appointed as sheriff in 1640. From the King's point of view he was a singularly bad choice as he was not only a supporter of Parliament but a man whose financial difficulties may have hindered his execution of the office.¹

The other important office held by members of the magisterial class was that of deputy-lieutenant. Though information about deputy-lieutenants is so sparse that the names of several must remain unknown, those who can be positively identified were all senior members of the magisterial class, county magnates, and generally men with long experience as J.P.s. It was the office of deputy-lieutenant which was the most exclusive in the county. The average annual income of the twelve deputy-lieutenants whose subsidy assessment is known was £1120.83. The only deputy-lieutenant whose income could not be calculated was Sir Walter Devereux, but as he made the highest contribution to the privy seal loan of any Worcestershire gentleman, knowledge of his income is more likely to have raised than lowered the average. The importance of social status is demonstrated by the appointment of Sir Walter Devereux as soon as he moved to the county and the inclusion of Sir Thomas Leighton, the Queen's cousin, even though he was primarily a national figure who played only a limited part in county government.² It does not appear that Worcestershire ever had more than six deputy-lieutenants and four was more usual. The small size of the lieutenantcy usually precluded the appointment of inactive members.

In addition to holding the key offices of J.P., sheriff, and deputy-lieutenant, they were called upon to serve on a number of special commissions - for recusants, sewers, and charitable uses. These commissions were filled, for the most part, by J.P.s, though there were always a few members who owed their position to local knowledge. There were usually a number of clergymen on commission of charitable uses. However the commissions were dominated by J.P.s and, contrary to what one might expect, service on a special commission was not part of any *cursus honorum* leading gentlemen of the middle rank to the magistracy. Exercise of power at county

1 Townshend, *Diary*, i, pp.xi-xii; ii, pp.255-261.

2 Appendix II; Gleason, *op.cit.*, p.214; E.401/2586, p.329.

level was effectively concentrated in the same hands.

The other county officers were men of lower status, specialised function, and less extensive powers. The county coroners had originally been appointed to curb the power of the sheriff but their importance had declined with the rise of the J.P.s. They still proclaimed outlawries at the county court and played a part in the election of knights of the shire, but by the seventeenth century their main function was the holding of inquisitions into the causes of sudden deaths. Their decisions had some importance as the findings of the coroner's court could lead to the trial at assizes of suspected murderers, their verdict that the deceased was a suicide resulted in the forfeiture of all his goods and chattels, and any instrument found to have killed one of the King's subjects was seized as a deodand. The coroner's judgements could have important implications for both liberty and property. Worcestershire had one coroner for each hundred and all appear to have been country attorneys.¹ The eschaetor and the feodary were almost exclusively concerned with the valuation of the estates of tenants-in-chief, though the feodary played a small part in the collection of ship money.² Both were fiscal officers of the Crown rather than members of the county community.

Despite the decline of the hundred, its officers still had considerable administrative importance. The hundred bailiff played an indispensable role in the calling of juries and in other judicial business. Hundred bailiffs were appointed for life by either the Crown or the Lord of the hundred. In Worcestershire two hundreds were in ecclesiastical hands; Oswaldslowe was held by the Bishop of Worcester, Pershore by the Dean and Chapter of Westminster.³ Three hundreds had been retained by the Crown. Hundred bailiffs were normally of yeoman status.⁴

The high constables were officials of some importance. Halfshire had three high constables, the other hundreds, two. High constables were usually described as yeoman or gentleman, but this was not an office undertaken by those above the status of minor gentleman. It was, however, important enough to result in the status description of some incumbents being changed. When Richard Hunt, a moderately prosperous farmer of Eastham, was petty constable of that parish, he was normally described as "husbandman", after he became high constable as "yeoman" or "gentleman".

1 John Wilkinson, *A Treatise . . . Concerning . . . Coroners and Sherifes*, 1628, *passim*; For Worcestershire coroners see quarter sessions papers.

2 S.P. 16/467/11.

3 *V.C.H. Wores.*, ii, pp.347-9, iii, pp.1-4, 246-50, iv, pp.1-3, 218-9.

4 For exceptions see *infra*, p.134.

He was clearly a man of some substance and education, though probably not classical education, for his commonplace book contains a number of pages on which he practised copying the Latin writs which he would be obliged to issue in the course of his duties as high constable.¹

High constables were an important link in the chain of command between county and parochial authority. They were responsible for gathering presentments from the petty constables and forwarding them to quarter sessions and they often had to issue interrogatories upon which the presentments were based, they had some powers of supervision over the police work of the petty constables, they were responsible, in default of the petty constables, of presenting recusants at quarter sessions and assizes, they gathered local taxation, distributed county funds to maimed soldiers, and they played an important part in military government, both in the calling out of the trained bands and the levying of conscripts for service abroad. The importance of the high constables was recognised by Lord Chief Justice Coke in 1615 when he issued orders making them responsible for reporting to the judges of assize in a way which by-passed both the J.P.s and the grand jury.²

At parochial level the most important and the longest established office was that of constable. The office of constable was a common law post which ante-dated the very existence of Parliament, though its powers and duties were subsequently regulated by statute. In some parts of the country there were officers of equivalent status known by such titles as borseholder, tythingman, reeve or headborough, but only the tythingman was known in Worcestershire. Lambarde traced the descent of the petty constable from the ancient constable of the realm saying "Out of which office, this lower constablenesship was at the first drawne and fetched and is (as it were) a very finger of that hand."³ He maintained that the tythingmen and similar officers were descended from the Anglo-Saxons elected to speak for those who had made a common pledge while the petty constable had derived his authority from the King via the constable of the hundred. Some tythingmen existed in a dual capacity, having powers identical to those of the constable but "where there be many Tythingmen in one parish, there only one of them is a Constable for the King, and the rest doe serve but as the ancient Tythingmen did".⁴

1 B.R.L.398263.

2 S.P.15/40/70.

3 William Lambarde, *The Duties of Constables, Borseholders, Tythingmen /etc.*, 1631, p.5.

4 *Ibid.*, pp.9-10.

The appointment of constables had originally been made by the court leet, and in Worcestershire this was still the custom in some manors. However the leet was a declining institution in the seventeenth century and there are a number of petitions in the Worcestershire quarter sessions papers requesting that the J.P.s appoint a new constable. As the office was an onerous one with no corresponding advantages of prestige, the petitions were usually made by constables who wished to be relieved. A typical petition was that of Thomas Wall, constable of Wick Episcopi who claimed that he served his year as constable and, at 66 years of age, he did not feel equal to the strain of further service. He sent a list of suitable villagers to the justices and requested that they select one of them to succeed him.¹ Where no leet was kept, or where none was due for several months after the constablenesship fell vacant, the nearest J.P. had the power to make an appointment.²

Petty constables appear to have been members of the yeoman and husbandman class, though very rarely a constable is described as a gentleman. Though the names of a considerable number of constables appear in the quarter sessions papers most are too obscure to be identified with persons appearing in other classes of record. However persons of the same name and living in the same locality sometimes appear as subsidymen or petty jurors. Constables were obscure men outside their parish, but they had standing within it. However their status was not always high enough to gain them much deference from their neighbours or even the local neer-do-wells.

Considering their relatively humble social status, constables had a considerable measure of authority, something which caused Blackstone to comment

of the extent of which powers . . . considering what manner of men are for the most part put into these offices, it is perhaps very well that they are generally kept in ignorance. 3

The powers were so extensive that only the main ones can be summarised here. Constables were responsible for keeping the peace by acting as mediators and preventing the unlawful carrying of arms, they were permitted to arrest night walkers, haunters of houses and those suspected of bawdry and take them before a J.P. to give sureties for good behaviour, they were to enforce the keeping of watch and ward and to arrest rioters. They could

1 *W.Q.S.P.* 1640 (171), 14, p.649.

2 H.B. Simpson, "The Office of Constable", *English Historical Review*, 10, 1895, *passim*. This excellent study has stood the test of time.

3 Quoted in Trotter, *op.cit.*, p.85.

seize anybody guilty of felony, or held by common fame to be guilty of felony, and keep them in the stocks until it was possible to take them to a J.P. The constable could call upon all able bodied villagers to assist him when he made an arrest and he was not liable if he caused injury or even death to a person resisting arrest. It was his duty to take those engaged in potentially violent quarrels before the nearest J.P.

The constable was authorised to inflict summary punishment on a considerable number of petty offenders - swearers, hedge breakers, those who sat more than an hour in an alehouse, persons who refused to work at the harvest, absentees from church, and tradesmen who broke numerous commercial statutes. In time of plague the constable had power to order infected persons to remain within their houses and to levy money for their maintenance if ordered by the mayor or a J.P. If an infected person or member of the same household attempted to leave his house the constable was empowered to use all necessary force to prevent him. There is only one reference to a Worcestershire constable exercising this authority over the plague stricken and he was unwilling to use sufficient force to prevent the man going outside.¹ Perhaps the duty which caused constables most difficulty was that of punishing and sending to their last place of residence all vagabonds for this involved not only the detection, arrest and whipping of the rogue, but making out a pass and conducting him to the next parish. Tax collecting was another onerous chore. The constables played a part in the levying of all taxes, parish, county and national.

That the office of constable was no sinecure is demonstrated by the large number of quarter sessions presentments charging constables with dereliction of duty, especially for not punishing vagrants. Constables shared with other officers of the peace the problem of arresting persons who made violent resistance and there were many instances of constables being assaulted while making an arrest.

The other parochial officials seem to have been drawn from the same social class as the constables and to have faced many of the same problems. The Surveyors of the Highways were appointed by the vestry on the Tuesday or Wednesday of Easter week and the two men elected were responsible for repairing the highways from the parish to the next market town. In conjunction with the churchwardens and constable they assigned days upon which all parishioners were required to work on the roads. For any default in office the surveyors were fined £2. It has been suggested that the surveyors of the highways of the seventeenth century were semi-

1 *W.Q.S.P.*, 1619 (314), xxx, 94, p.307.

permanent road engineers rather than parishioners undertaking a thankless task for a year, but there is no evidence that this was the case in Worcester-shire.¹

The Overseers of the Poor were also important in the parish community. By the act 5 Elizabeth cap.iii, sec. ii each parish was required to appoint two persons to collect and disburse alms to the poor, but as this semi-voluntary system did not prove satisfactory, an act of 1598 ordered each parish to elect three or four substantial inhabitants to act with the churchwardens to collect rates for the support of the poor.² The churchwarden was one of the leading inhabitants of the parish, but apart from the duties already mentioned, he was mainly concerned with ecclesiastical administration.

One body of men who had considerable influence in the county were the jurors. Drawn from the freeholders of the county whose names were recorded in the sheriff's book, the jurors were called upon to play a more prominent part in county affairs than is generally recognised. That jurors had an important role at quarter sessions and assizes has always been acknowledged, though some authors appear to have exaggerated the extent to which they were amenable to pressure from J.P.s and judges. In addition to these regular opportunities for freeholders to act as jurors, there were many cases referred to J.P.s which were heard with the aid of a jury out of sessions, and jurors were required to attend Commissioners for Recusants and Charitable Uses, to act under the coroner and to value estates at an Inquisition Post Mortem. In a very large number of cases where the J.P.s acted as administrators, the jurors were judges of fact. Indeed it is possible that some freeholders might have spent almost as much time as jurors and parish officers as their social superiors did as justices of the peace.

There were constant complaints that the wealthier and better educated freeholders were able to escape jury service by bribing the bailiffs and that juries were filled by men of very low status. The one exception to this generalisation was believed to be the assize grand jury. Unfortunately it is not possible to say very much about assize juries in Worcester-shire. Only two grand jury lists have been discovered and they do not support any extreme view about jurors' status. The members of the jury were lesser gentlemen rather than magnates or men of straw. They seem to be the sort of men Whitelocke referred to as the "gentlemen and freeholders"

1 Trotter, *op.cit.*, pp.120-9.

2 39 Elizabeth cap.3; 43 Elizabeth cap.2 and cap.9.

of the Oxfordshire grand jury.¹ The Worcestershire grand jury of 4 April 1634 consisted of seventeen men, four of whom are described as esquire and the rest as gentlemen. However only two of the others were recognised as armigerous in the 1634 visitation, and although some were described as gentlemen in the knighthood composition list, three of the grand jurors can be positively identified as persons disclaimed at the visitation.² It seems that many of this assize grand jury were persons on the borderline between the status of gentleman and yeoman. No assize petty jury lists are known to have survived but there is no reason to believe that the social composition of petty juries at the assizes would be significantly different from quarter sessions' juries.

Quarter sessions' grand juries appear to have differed little in social composition from the 1634 assize grand jury, though the considerable number of quarter sessions' grand jury lists and panels of nominees from each hundred do show variation from year to year. It is difficult to determine the proportion of gentlemen in these lists, for grand jurors were almost always described as "gent." unless they qualified for the title "esquire". Typically two or three of the grand jury were esquires and about another quarter armigerous gentry. One of the most frequent members of grand jury lists in the later 1620s and early 1630s was one Armell Green of Upton Snodsbury, who disclaimed at the visitation of 1634. Another was Philip Bearcroft, an Oxford educated gentleman. It is obvious that the grand jury consisted of lesser gentry and greater yeomen. It is perhaps worthy of note that a petition signed in 1641 by fourteen grand jurors reveals that all wrote in a neat and literate hand - not one had to sign by means of a mark.³

Petty jurors were almost all persons of such obscurity that it has been impossible to trace them. The lists normally give only their names, not their place of residence, which makes any attempt to identify them with persons appearing in other classes of document a dangerous exercise. The other significant sources of jurors' names are Inquisitions Post Mortem and findings of the Commission of Charitable Uses. The former are particularly interesting as the valuation was sometimes signed by the entire jury.⁴ About half the I.P.M. juries signed by mark. I.P.M. juries often include men

1 B. Whitelocke, *Memorials of English Affairs*, Oxford, i, p.67.

2 K.B.9/801, f.108; The social composition of the grand jury of 2 September 1641 was similar. K.B.9/824, f.196.

3 W.R.O.110: 76/8.

4 C.142 various valuations. Some valuations survive only in the form of copies and provide no information about literacy.

of the same name as grand jurors resident in the same hundred as the deceased and one may assume that in most cases they are the same person. Thus I.P.M. juries consisted of men drawn from the group of lesser gentry and large freeholders who provided grand jurors and from the men of small farmer class who served on petty juries.

County government was not the preserve of any one class - participation was shared widely among all men except the very poor. The system of government was, nevertheless, paternalistic. Within the county the greatest amount of power lay with the upper gentry who filled the posts of justice of the peace, sheriff, deputy lieutenant and acted as members of various commissions. These were the members of the landowning class and they had tremendous influence by the very fact of controlling the land. In a hierarchical society they were the natural leaders, the patriarchs in a patriarchal society. By their education, their visits to London, their participation in national politics, these men linked the community of the county with the wider community of England. There were, of course, limits on their power, limits which were imposed as much by their social inferiors as by royal oversight. The Council, Star Chamber and the judges of assize limited abuse of power and forced slothful gentlemen to act.

The restrictions on the power of the squirearchy imposed by the government are obvious yet those imposed by the yeomen and lesser gentry had a certain importance. Much administrative as well as judicial work could be performed only with the aid of a jury - even the power to bind to good behaviour, the authority which gave him the greatest degree of control over his neighbours, was checked by the requirement that a jury decide whether this bond had been broken. Much petty administration lay in the hands of the ordinary husbandmen and yeomen who acted as constables, churchwardens, overseers of the poor and surveyors of the highways. There was considerable reliance placed on the leading parishioners who joined with the official tax collectors to assess the sums at which their neighbours should be assessed for local and national taxation. Though men who held parochial office were always subject to the oversight of the J.P.s, the problem of collecting shipmoney was to show that county government could no more function without the co-operation of the parochial officials than could national government without the willing participation of the J.P.s. County society was an organism, and if power was concentrated in the head, the squirearchy, it could be exercised effectively only with the participation of the officials, who acted as nerves, and the main body of inhabitants. The system of government was based on the assumption of co-operation

between classes and, just as there was no clearly defined sovereignty in national government because of assumptions of co-operation between King and Parliament, the precise division of powers was undefined at the county level. County government operated on a system of deference and shared authority.

III

PROBLEMS OF COUNTY ADMINISTRATION

Poverty was the most serious problem faced by the county magistrates and parish officers. As more men were divorced from the soil, more workers dependent on unstable export industries, as rising population forced the cultivation of less productive lands, the chronically and occasionally poor increased in numbers and required increased attention from legislators and administrators alike.

The poor may be divided into three main groups: the chronically poor who were unable to support themselves even when economic conditions were favourable, secondly, low paid landless workers who were subject to deprivation if the harvest failed or their trade declined, and, thirdly, the wandering poor or vagrants. Case poverty was found in all parts of the county for its causes were inescapable - old age, widowhood and illness. Hoskins and MacCaffrey found that most of those permanently dependent on poor relief in Leicester and Exeter were old people or one parent families,¹ a situation which was duplicated in Worcestershire. In 1613 all four poor relief petitions made to quarter sessions by individuals concern elderly women and approximately 70% of persons receiving regular parish relief in Broadway, Eastham, and St Michael in Bedwardine were women.² Numerous children were recited in requests for parish aid only when the mother was widowed or the father an invalid.

In general, rural parishes were able to support their own poor, for these were relatively few, unfortunate individuals rather than deprived masses. People of the yeoman and husbandman class enjoyed a modest but rising prosperity during the early seventeenth century and even the peasant labourers were able to enjoy increased ownership of possessions which were not related to their occupation.³ Husbandmen and cottage farmers were not secure from economic disaster. Fire, a crop failure, the loss of their stock, an excessive number of children, or the death of the breadwinner could destroy their modest affluence and plunge them beneath the poverty line. Though landlords were making efforts to escape the consequences of fixed

1 W.G. Hoskins, "An Elizabethan Provincial Town: Leicester", *Studies in Social History*, (ed.) J.H. Plumb, 1955, p.45; W.T. MacCaffrey, *Exeter, 1540-1640*, pp.94-5.

2 *W.Q.S.P.* 1613 (107),xx,59,p.185; (108),xx,59,p.185; (126),xxi,70,p.185; (130),xxi,80,p.188; W.R.O. b851.4: 4869 (5) (Broadway); 883.1: 4924 (2) (Eastham); b857: 2335/16(4) (St Michael in Bedwardine).

3 Everitt, "Farm Labourers", in Thirsk, *op.cit.*, p.421; G. Batho, "Noblemen, Gentlemen, and Yeomen", in *ibid.*, pp.301-6; B.W. Barley, "Rural Housing in England", in *ibid.*, pp.734-60; M. Campbell, *The English Yeoman*, 1942, *passim*.

rents in an age of inflation, tenants were usually protected by the custom of the manor from arbitrary eviction and the widow's free bench gave women of the tenant farmer class a measure of economic security. Copyhold lands were usually inherited by the son of the deceased tenant even where this custom was not legally binding.¹ Natural disasters rather than the machinations of men were the greatest threat to the small farmers. Yelling has shown that the aggregation of estates did not begin on any large scale until after the Restoration, and enclosure was not a problem. The enclosure commissions of the 1630s received no complaints from Worcestershire and the small number of King's Bench and Exchequer cases involving landowners who had converted arable to pasture reflected the self-interested activities of common informers rather than the existence of a social evil.² Judging by Yelling's findings, the persons charged in court were more likely to have been engaged in ley farming than taking land from tillage permanently. Worcestershire was not subject to disruptive changes in its rural economy during the first half of the seventeenth century.³ It is true that some land owners were striving to raise entry fines in the early seventeenth century and that an increasing proportion of the land was leased, but the raising of entry fines may be seen as a step to combat inflation rather than as oppression, and it is notable that in at least one of the law suits which arose from disputed entry fines it was the gentleman tenants who led the opposition.⁴ The dispute over entry fines was purely commercial; it was not a matter of class conflict.

The economically insecure class was that which had lost access to the land. Laslett wrote

No sharper clash of interest, material, economic, or even biological, can be easily imagined than that between those with and those without access to the land. In an agrarian economy at times not far removed from the subsistence level in some areas, this might have meant that when harvests were bad some men could count on surviving whilst others, the landless, could not be so sure.

5

By law rural labourers were entitled to four acres with their cottages. Though this law was frequently broken, attempts were made to enforce it and there were numerous prosecutions at Worcestershire quarter sessions.⁶ Everitt has shown that few labourers had the full four acres, the average holding being only a quarter of the statutory allocation, but even this

1 E. Kerridge, *Agrarian Problems in the Sixteenth Century and After*, 1969, pp.65-93.

2 E.403/3042: IND. 17662, f.168; K.B.9/752, f.540.

3 Yelling, *op.cit.*, p.427.

4 B.R.L. 357391.

5 P. Laslett, *The World We Have Lost*, 1965, p.37.

6 W.Q.S.P.,

acre gave the rural labourer a greater measure of security than was available to wage earners in the towns.¹

Hoskins and MacCaffrey found that over half the population of the towns they studied lived in poverty and Coleman argues that between a quarter and a half of the entire population of Stuart England were "chronically below what contemporaries regarded as the official poverty line".² The people regarded as chronically poor in these studies were not necessarily in permanent receipt of poor relief - rather they were persons without property who were liable to be plunged into desperate poverty in time of trade depression or if the breadwinner became ill. Such people were exempt from paying church rates, poor rates, and, after its introduction in 1662, the hearth tax. Anyone was exempt from hearth tax if he received parish alms, did not occupy a house or possess lands with a rentable value of one pound *per annum*, and owned goods and chattels valued at less than £10.³ An individual exemption certificate records that John Grassier of Bishampton was exempted from hearth tax because his cottage was worth less than twenty shillings *per annum*

and moreover, he is a very poore man, haveing a wife & a greate charge of children to maintaine by his hard labour & very like to fall upon the parish charge.

4

Another exemption certificate records that a person formerly charged

now being become poore by reason of the evill that is upon him and not able to work to maintaine his family . . . is forced to receave alms from the parish.

5

The role of children in aggravating poverty is suggested in the certificates exempting a man who had "little else but what he gaineth by his dayly labour and having a wife and three small children to maintain out of it" and one who "hath many small children to maintaine of his labour & is not able to pay".⁶

It is apparent that town-dwellers dependent entirely on wages to support families had only a very small margin above subsistence and could easily fall to the level of welfare recipients. Even those who normally contributed to poor rates could be reduced to destitution in time of plague or trade depression. In 1617 the town of Dudley was visited by plague and the Mayor, vicar and other leading citizens reported that after nine months

1 Everitt, *loc.cit.*, pp.400-3.

2 Hoskins, *loc.cit.*, p.45; MacCaffrey, *op.cit.*, pp.94-5; D.C. Coleman, "Labour in the English Economy in the Seventeenth Century", *Economic History Review*, 8, 1956, pp.284-8.

3 14 Charles II, cap.x.

4 E.179/201/317/1, f.156.

5 *Ibid.*, f.171.

6 *Ibid.*, ff.177-8.

disruption to trade the town was in desperate need of assistance.

. . . our said towne standing principally upon poore handicraft's men who are nigh impoverished and now themselves waite ayde who heretofore did contribute to the poore sorte and likewise we having at this instant seaven score children by reason of this sickness who want either father or mother . . . the same sickness doth continue and suspected to increase unto our further impoverishment and imminent danger of famishment of many amongst us.

1

In the seventeenth century land was by far the most important and productive form of capital. Productivity of labour was low and underemployment rife, a situation which led to a low *per capita* income, estimated at the equivalent of £70 *per annum* at 1950 prices.² Labour was the most important factor of production except in such industries as iron smelting and paper making. There were only limited benefits from improvements in productivity by capital investment, firstly, because little capital was available, and, secondly, because the low level of technical knowledge reduced the scope for its application. Coleman argues that seventeenth century English peasants, like those of modern Asia, worked only 100 to 150 days a year. Underemployment was also a characteristic of industrial workers owing to discontinuities caused by weather, irregular supplies of raw materials, poor communications, the labour demands of the harvest, and the high leisure preference of the workers themselves.³

The problem of inefficient techniques and underemployment was exacerbated in the early seventeenth century by the increase in population which had taken place in the sixteenth century, and which still continued, though possibly at a lower rate. By the early seventeenth century there was surplus labour in England and real wages were falling.⁴ The improvements in agricultural techniques did not normally increase opportunities for employment and sometimes reduced labour requirements.⁵ The additional population was obliged to look to industrial employment, and especially to work in the export trades.

The work in export industries was necessary if employment was to be provided for the local and even the national market was too small and inelastic to absorb all the increased industrial production. England's only major export industry was cloth manufacture. The cloth industry was subject both to extreme fluctuations in international trade and structural imbalance between the declining broadcloth industry and the increasing

1 W.Q.S.P. 8 April 1617, (117), p.229.

2 Coleman, *loc.cit.*, pp.287-291.

3 *Ibid.*, p.291.

4 E.H. Phelps Brown and Sheila V. Hopkins, "Wage-rates and Prices. Evidence for Population Pressure in the Sixteenth Century", *Economica*, n.s.24, 1957, p.56.

5 E.Kerridge, *The Agricultural Revolution*, 1967, *passim*.

opportunities offered by the "new draperies".

However the dependence of England's industry on exports of woollen products was too great for stability of employment. Between 75 and 90% of England's exports in the early seventeenth century were woollen products. Fear of the consequences of unemployment in times of trade disruption led some Tudor statesmen, including Lord Burleigh, to oppose industrial growth, but even before the seventeenth century, it was clear that the consequences of restricting growth would be far more serious than those created by the periodic decline of trade and consequent unemployment. The government had to accept responsibility for providing relief when crises did occur, a situation which encouraged the passage of legislation relating to the poor.

Supple argues that the main causes of economic depression in the English cloth trade were not to be found in anything like the regular trade cycle of a more advanced *laissez faire* economy, but in random events such as the growth of foreign competition, currency manipulations, the interference of governments with trade, and the closing of markets by plague. While all these factors played a part in particular crises, it was the growth of foreign competition which was important in producing long term decline in the broadcloth industry.¹ The effect of an interruption to the cloth trade was magnified by the high mobility of the factors of production. Little fixed capital was involved and entrepreneurs could withdraw from the trade very quickly when it became unprofitable. In the cities and larger towns the workers were cut off from the land and totally destitute during a time of unemployment.

A crisis situation was reached when unemployment in the textile industry coincided with a poor harvest. Major slumps occurred at the same time as crop failures twice in the early seventeenth century, in 1621-2 and in 1629-31. In each case there was an acute problem of poverty and even starvation as many of the large class who were just above the poverty line in good times found themselves plunged beneath it. It seems likely that poor harvests had the additional effect of lowering the real incomes of the groups with the highest marginal propensity to spend on industrial goods and thus reduced demand for products which were not subject to the fluctuations of the export market.² Thus poor harvests not only led directly to an increase in food prices but indirectly to a fall in domestic demand for manufactured goods and exacerbated unemployment.

1 Supple, *op.cit.*, pp.6-12.

2 *Ibid.*, p.16.

In Worcestershire the only large group of people especially exposed to the periodic slumps of the export trade were the cloth workers of Worcester city but the inhabitants of the other corporate towns were cut off from the land and thus more vulnerable to high food prices than were the inhabitants of the villages. Though the exemption figures are incomplete, the hearth tax returns suggest very strongly that the poor landless labourers were most common in the northern industrial parishes such as Dudley, Stourbridge-with-Oldswinford, and Chaddesley Corbett, all of which had more persons exempt from hearth tax than those who paid, and in the suburbs of Worcester. Whistones had only nine persons who paid hearth tax and 43 who were exempt. The level of exemptions was lower in the fielden areas of the south-east, lowest in the pastoral areas which had not experienced significant industrialisation. The proportion of subsidymen showed a similar variation - those parishes which had the largest proportion of exemptions had the smallest number of subsidymen. Poverty was concentrated in those areas which had the least capacity to provide relief.¹

It is apparent that it was Worcester and its suburbs which had the greatest problem of poverty. The cloth workers of Worcester were dependent on the export market and they were engaged in the declining broad-cloth trade. Worcester did not adopt the new draperies and was consequently faced with stagnation in its major industry, something which the growth of service trades and those which developed owing to the city's importance as a communications' centre helped counter, but for which they could not provide a wholly adequate substitute.²

In the sixteenth century the problems created by a rapidly rising population were exacerbated by the dissolution of the monasteries and the breakdown of the traditional machinery by which the poor had been relieved. In medieval England the Catholic ideal of private charity towards the poor was widely observed, the church made a significant contribution, and, in any case it is unlikely that mass poverty existed until a significant proportion of the population had lost its stake in the land.

Once it had become apparent that the scale of poverty had become too great for the medieval palliatives to be effective, an era of state intervention was inaugurated. There were two conflicting philosophies on the problem of poverty. One was paternalistic, communal, authoritarian, sometimes harsh, and often backward looking. In an environment where the

1 Appendix I.

2 Dyer, pp.117-9, 142-8, 155-6. Trades other than the traditional clothmaking expanded less rapidly than might have been expected because of competition from both London and the rural areas.

economy provided only a small margin above mere subsistence, and where the bulk of the population was both poor and uneducated, it was considered that society had a duty to protect its members, even against their will, and that all should be forced to contribute to the general good. Thus gentlemen were expected to dwell at home and provide hospitality and leadership, farmers and merchants to create employment and to sell their goods with as much regard for the interests of society as for their own profits, artisans and labourers were to work for a wage determined by the J.P.s, children had to learn a trade, families and parishes were required to accept responsibility for their own poor. Many of the assumptions upon which the poor laws were based were derived from the conception of a static society, and, in an age of change and increasing individualism, were subject to constant pressure. At all levels of society, self-interest was to conflict with the communalistic ideals upon which the poor laws were based.

Government policies towards the poor can be discussed under two headings, those designed to prevent poverty, and those devised to relieve it when it occurred. The first may be seen in statutes enacted to preserve stability, such as the Statute of Artificers, the requirement that no cottage should be built without four acres of land, and the policy of requiring clothiers to employ workers even when they could not sell their existing stocks. The second is evident in the Elizabethan poor law and its amendments which provided machinery for collecting and distributing aid to the deserving poor and for the punishment of professional vagrants.

Poor laws can be traced back as far as 1349 but it was in the Tudor period that an entire code was formulated by Parliament with acts being passed in 1531, 1536, 1572 and 1598. All these acts enforced, with varying degrees of emphasis, the idea that professional vagrants should be repressed harshly, the impotent poor aided, and work provided for those who were unable to find employment. Early seventeenth century poor relief operated within a legal framework erected by a series of acts passed between 1598 and 1610. The most important were those of 1598 and 1601, the latter being a re-enactment of the former with a small number of amendments. These acts provided for the appointment of overseers of the poor, the rating of every inhabitant or landholder in a parish, the apprenticing of poor children, the liability of parents and grandparents to support their children and grandchildren, and granted the J.P.s power to commit people to the gaol or house of correction for refusing to work.¹

The philosophy which lay behind the poor laws was largely conservative. The growth of pauperism was to be checked by limiting those economic trends

1 39 Elizabeth cap.3; 43 Elizabeth cap.2 and cap.9.

which displaced men from their accustomed place in society, by the punishment of the indolent, and providing sustenance for the genuinely needy.¹

There was, in contrast, an alternative ideology which wished to take advantage of economic trends and radically transform the country in the interests of commercial efficiency. It is probably an exaggeration to say with Hill that in the sixteenth and early seventeenth centuries

Two sharply contrasted ways of life, two moralities, were in conflict: a traditional mediaeval catholic economic morality on the defensive, a Protestant and capitalist ethic on the offensive. 2

Even though the conflict of ideologies may not have been as sharply defined as Hill claims, it is possible to discern distinct differences in attitudes between the urban bourgeoisie, especially those of London and eastern cities such as Norwich and Ipswich, and the more traditional approach to the problem of poverty upheld by the central government and practised by the gentlemen and yeomen of rural England. The merchants hoped that the adoption of efficient productive techniques and the social rehabilitation of the depressed classes into self-sufficient and economically productive citizens would eliminate mass poverty, leaving only the more manageable problem of the aged, widows and orphans to public relief. In London and some other cities the merchants used their political power to ensure that schemes of social rehabilitation were inaugurated by parochial and civic officials.³ In the rest of the country merchant bequests provided the main source of finance for social rehabilitation projects which the more conservative leaders of rural England and many provincial towns were unwilling to endow with public funds. The yeomanry of rural England worked as

parish constables and overseers of the poor [which] made them particularly aware of the problem of poverty in their own areas. In consequence, they tended to seek immediate solutions. In virtually every case they made provision for direct household relief and had little interest in social rehabilitation. 4

It is, however, unwise to over-stress ideological reasons for the differing emphasis placed on social rehabilitation schemes by merchants and the middle ranks of rural society. Much can be explained by the realities of the local environment. In the towns both the problems of mass poverty and the opportunities for individual advancement were greater than in the countryside. Rural parishes usually suffered from little more than case

1 J.E.C. Hill, *Society and Puritanism in Pre-Revolutionary England*, 1969, pp.121-140, 251-287.

2 Hill, "William Perkins and the Poor", *Past and Present*, 2, 1952, p.32. Critique: V.G. Kiernan, "Communication: Puritanism and the Poor", *Past and Present*, 3, 1953, pp.45-53 and Hill's reply, pp.53-4.

3 J. Pound, *Poverty and Vagrancy in Tudor England*, 1971, pp.58-68.

4 *Ibid.*, p.74.

poverty and could offer less scope to the skilled workman or to the intelligent entrepreneur. Yet ideological differences cannot be ousted in the interests of a purely pragmatic solution. In the city of Worcester and its suburbs, a problem of urban poverty was developing, to which were applied the decreasingly appropriate remedies of rural England.

The harshest aspect of the poor law was seen in the treatment of vagrants. Vagrancy offended both the traditional concepts of a static society, of a community in which every man had a place, of order, degree and hierarchy, and the newer ideas which made labour a virtue, a career of indolence a crime in this life and a pathway to eternal perdition. Though their objections were based on different premises, both the upholders of the old morality and the new could agree in the brutal treatment of the wandering poor. In the middle ages the relatively small number of vagrants had been tolerated - they were too few to be seen as a threat to social stability and their idleness was not a matter for serious concern in a society which had not developed a fully fledged work ethic.¹

In the sixteenth century economic changes such as enclosure, the dissolution of the monasteries and wars had displaced a large number of people. Not all of these were resettled and many become wandering vagrants and beggars. Indeed these professional vagrants became self-perpetuating as they included women as well as men and children grew up who had known no other life. A whole literature developed concerning the vagrants. Perhaps the best known contemporary description was Thomas Dekker's *Bell-Man of London: A discovery of all the idle Vagabonds in England* published in 1608. Dekker wrote of the way rogues simulated deformity in order to collect alms, then spent the proceeds on riotous living. Others managed to avoid punishment under the laws against sturdy beggars by having forged documents giving them permission to travel. Though much of the literature was purely imaginative, bearing little relationship to the real problem of vagrancy, there can be no doubt that there was a mobile and semi-criminal element among the wandering poor.

In 1596 Edward Hext, a Somerset J.P. wrote to Burghley complaining of the problems caused by vagrants in his county. He claimed that the most dangerous were the wandering soldiers and other able bodied rogues of whom there were three or four hundred in a shire. They met together in groups of between forty and sixty and roasted the meat of stolen beasts.

1 W.K. Jordan, *Philanthropy in England, 1480-1660*, 1959, pp.59-60, 146-7, claims that the type of poor relief administered by the monasteries and the practice of funeral doles actually encouraged vagrancy and stood in the way of economic advance in the late middle ages.

He reported that when the inhabitants of the county complained at quarter sessions

precepts weare made to the Counstable of the hundred, but fewe apprehended, for they have intellygens of all things intended agaynst them, for ther be of them that wilbe present at every assize, Sessions, and assembly of Iustices, and will so cloathe them selves for that tyme as anye shold deame him to be an honest husbondman, So as nothings is spoken, donne, or intended to be donne but they knowe yt. I know this to be tru by the confession of some.

Though it is probable that Hext was exaggerating, it is unlikely that this working J.P. was merely repeating what he had read in the literature.

Professional vagrancy had a real as well as a literary existence.

A number of laws were passed against vagrancy during the sixteenth and seventeenth centuries. The statute 22 Henry VIII cap.12 provided for the whipping of unlicensed beggars and the return to their place of birth, 1 Edward VI cap.3 permitted the J.P.s to enslave sturdy beggars for two years, or for life if they ran away, and incorrigible rogues could be executed. Similar legislation was enacted under Elizabeth. 14 Elizabeth cap.5 empowered J.P.s to have vagrants whipped and bored through the ear and even to impose the death penalty. The framework for suppression of vagrancy during the seventeenth century was provided by 37 Elizabeth cap.7 which repealed the death penalty and ear boring of 14 Elizabeth and ordered parish constables to whip any vagrant until "his or her body be bloody", then provide him with a certificate of punishment and have him returned from constable to constable until he reached the parish in which he was legally settled. Any vagrant who did not return by the most direct route and in the time allowed was liable to have the punishment repeated.

It is difficult to assess the extent of vagrancy in Worcestershire. There are a large number of certificates from constables who claimed to have punished "rogues according to the Statute"² and some presentments list the names or number of those punished. For example, the 1604 presentment of the constable of Bromsgrove noted eleven men and six women punished with stocks and whipping in his parish³ and in 1637 the constable of Northfield stated, "I have stocked whipped and passed five rogues".⁴ The number of vagrants punished was large. In 1631 the justices of the limits of Worcester reported the punishment of 58 rogues in three

1 J. Pound, *Poverty and Vagrancy in Tudor England*, 1971, p.97.

2 W.Q.S.P., 1609 (130), x, 46, p.131, is one example of many.

3 *Ibid.*, 1604 (98), i, 14, p.70.

4 *Ibid.*, 1637 (195), lxii, 91, p.641.

months, the division of Pershore, 60, and Halfshire, 30.¹ Unfortunately there is insufficient evidence to enable variations in the incidence of vagrancy to be traced, but 1631 was a year of acute economic difficulties and thus more likely to have a large number of vagrants. Though there is considerable variation from year to year in the number of vagrancy certificates returned by the constables to quarter sessions, this seems to reflect pressure from the justices rather than significant changes in the number of vagrants. Directions from higher authority may have resulted in the stricter application of the law against vagrants in the years for which a large number of certificates have survived, but it is more likely that the paper-work was more subject to fluctuation than the actual performance of statutory obligations, especially as the parishes had a vested interest in removing vagrants before they established residence. That the vagrants being treated in this summary fashion were wanderers from outside the county is suggested by the fact that every parish which reported the punishment of vagrants adjoined or was bisected by one of the six main roads which passed through Worcestershire, and, of the small number whose place of origin was stated, less than a quarter came from within the county, most from neighbouring counties, one from as far away as Cornwall. Summary whipping was the fate of the disposed and the homeless. Whether criminal or unfortunate, they were illegally mobile in a society which placed great stress on a stability that had passed.

There is some evidence of professional vagrants and beggars in Worcestershire. It was claimed that one James Careless was operating an alehouse in conjunction with his profession as surgeon and encouraging vagrants. One of these

came not long since to my door counterfeiting himself to be blind lame and taken most perilously with a shaking palsy which part of an infirm man in these several particulars he performed so artificially that he made my wife to take great compassion of him for besides meat and drink she gave him money and a piece of bacon which he no sooner had than he went away with a snail's pace halting downright and shaking and groping with his staffe till he thought he was out of sight and then he was an upright man on the sudden and without any lameness blindness quaking, or quivering. 2

Provost marshalls were sometimes appointed to punish vagrants. These officials had been appointed and granted the military authority their title implies during the early Tudor period. They were first empowered to deal with vagrants in general, as distinct from military deserters or

1 S.P.16/194/63, I, II, III.

2 W.Q.S.P., 1633 (263), lviii, 71, pp.530-1.

soldiers from disbanded regiments, in 1591,¹ and the original justification for granting this power to the military authorities was fear that in time of threatened invasion they would spread rumours and cause panic. In the seventeenth century the Privy Council ordered county authorities to appoint provost marshalls on six different occasions.² The frequent repetition of such orders reflected in part the continuation of the fears described above and also the government's desperation at the inability of the civil authorities to solve the problem of vagrancy.

In Worcestershire there was no mention of a provost marshall until 1631 when the grand jury presented that one should be appointed. Only a very small number of J.P.s were present at sessions and they must have felt that the appointment of a provost marshall would be too expensive a step for them to take without the consent of the other justices for they refused to make an appointment until the next sessions when they hoped for a full bench. Doddingtree hundred showed less reluctance to act for in April 1631 a meeting of J.P.s

with the consent of a great number of sufficient inhabitants chose 2 Provost Marshalls and a footman to each Marshall; allowing 8s. per week to Marshalls and 4s. to a footman attending, to ride from place to place for apprehending and punishing of rogues, which proved effectually, and confirmed in Court; and refusers to pay to be bound over to Sessions etc. And on 26 April 1636, one Samuel Parry made Provost Marshall of the whole county for one yeare next, and £52 per annum stipend, he finding all underservants. 3

Obviously a system in which provost marshalls operated in single hundreds was less satisfactory than one which placed them under control of county officials and gave them free reign throughout all Worcestershire. The 1631 grand jury presentment stressed the desirability of central control and rational division of responsibility within the county.

We . . . desire of the Bench that there might be through this whole County provosts marshalls for the better suppressing of rogues and vagabonds. And whereas the Hundreds lying promiscuously one in another we desire that certain limits by the discretion of this worshipful Bench might be set down. 4

This presentment shows that in Worcestershire the deputy-lieutenants had not appointed a provost marshall in 1631 and that the division of power between deputy-lieutenants and J.P.s was so ill defined that the grand jury felt free to appeal to the J.P.s at quarter sessions to carry out the deputy-lieutenants' duty. The J.P.s were apparently able to act without

1 G.S. Thomson, *Lords-Lieutenants in the Sixteenth Century*, 1923, p.80.

2 L. Boynton, "The Tudor Provost-Marshall", *English Historical Review*, lxxvii, 1962, pp.437-55.

3 Townshend, "Notes", p.112.

4 W.Q.S.P., 1631 (99), lxxxi, 50, p.485.

objections from the military authorities. Perhaps the resistance to military rates made appointment by quarter sessions expedient. Once more the concentration of power in the hands of the magisterial class was more important than any formal division of power.

Allied to the punishment of vagabonds was the desire to prevent the settlement of persons who might be a liability to the parish. However the people affected by the unwillingness of parochial officials to accept potential recipients of relief were likely to be honest working people rather than the wandering and semi-criminal poor. Poor rates were a heavy burden in some parishes and all were unwilling to take the risk of admitting additional paupers who would become the responsibility of the parish once they were legally settled. Legal settlement required only one month's lawful residence during which no inhabitant of the parish made formal objection.¹ The short period of employment required to settle a person made officials reluctant to admit new labourers to a parish, especially if they had families. In several cases freeholders who let cottages to poor families were obliged to enter bonds that their tenants would not become a liability on the parish, a requirement which had the authorisation of the Lord Chief Justice.² So determined were parishes to avoid incurring responsibility for paupers that in one case a married man was not permitted to move his family to the parish where he was working, and in another instance, the parish where a man had left his wife and children when he went to work elsewhere, took steps to have them sent after him.³

Where the poor were legally settled in a parish the obligation to support them was placed, firstly, on the relatives, secondly, on the parish, and, thirdly, on the surrounding parishes. Where possible, parishes placed the responsibility for poor relief on the relatives. In 1619 the brother of a man who had gone as a soldier to the Low Countries leaving a bastard child, was ordered to support it.⁴ In another instance the justices ordered a father to continue an allowance of eight shillings a month to his widowed daughter even though his own situation as a vicar with an income of £20 per annum to support a pregnant wife and three children must have been a difficult one.⁵

If there were no relatives to support the pauper, the parish was

1 Barnes, *Assize Orders*, p.68.

2 *Ibid.*, p.69.

3 *W.Q.S.P.*, 1618 (94), xxviii, 13, p.267.

4 *Ibid.*, 1633 (229), lviii, 66, p.521; 1633 (254), lviii, 97, p.528.

5 *Ibid.*, 1620 (162), xlv, 73, p.338.

obliged to provide both a dwelling house and weekly maintenance. Examination of the surviving parish accounts indicates considerable truth in the presentment frequently made by parish constables that "the poor are weekly relieved". It is apparent that a considerable part of the burden of administering poor relief was undertaken by the churchwardens and the overseers of the poor, the J.P.s exercising only general supervision. In St Michael's in Bedwardine there were between ten and twenty persons regularly receiving alms, most of whom were women, a high proportion widows.¹ Occasionally relief was given to poor families when the bread-winner was ill,² to deserted wives, and to orphans.³ The parish tried to ensure continued shelter for a widow in regular receipt of alms by prosecuting before Sir John Bucke, the nearest J.P., a householder who cast her out.⁴ The churchwardens and overseers were, however, determined to avoid responsibility for poor other than those acknowledged to be their responsibility and efforts were made to evict newcomers likely to become charges on parish funds.⁵

The accounts of the churchwardens and overseers of the poor in the parish of St Andrews in the city of Worcester reveal a similar approach to meeting the needs of the poor - regular maintenance money, occasional gifts of food and clothes.⁶ In St Nicholas, Worcester, an average of 32 people received regular monthly payments ranging from three pence to one shilling. In March 1634/5, £2"18"8d was paid to 32 recipients. In the year ending in March 1634, the parish disbursed £48"01"4d in regular "monthly pay" and in casual help to "poor people not in the book".⁷

Accounts of rural parishes show a lesser need for poor relief and the consequently lacked a well developed administrative machinery. Bransford does not appear to have paid regular maintenance money to its poor, though in 1616 and 1617 the parish paid the house rent of one Elizabeth Ball,

1 W.R.O. b857.06: 2335/16(4), ff.131-2. In the accounts of 1628, 66 payments were made to paupers from general funds. Only 10 were made to men, 15 to women described as "widow", the rest to other women. One of the largest recipients, apparently a single woman, was buried at the expense of the parish. Of 60 payments made from endowment funds, 18 were to men, 15 to widows, the rest to women described as "Goodwife" or given a Christian name.

2 *Ibid.*, f.39.

3 *Ibid.*, f.204^v. "Given to Worralls wife & children at severall times (he beinge runn away) 7/6". The parish also bought a smock, stockings and shoes for this unfortunate family and paid for "mending and makeinge Cloathes for ye sayd Worralls daughter".

4 *Ibid.*, f.132^v, 1628. "pd for a warrant to bring the goodman Lokier before Sir Jo. Bucke for turninge Margaret Shoughe out of her house . . . iiiiid.

5 *Ibid.*, f.211^v.

6 W.R.O. b857.06: 2335/3(4)

7 W.R.O. 857.4: 3696

in 1611 five shillings were distributed to unnamed and unnumbered poor, in 1612 the parish provided one shilling's worth of food "for the children of Jo. Holdship" and paid eight pence to a widow.¹ The problem of poverty in this small rural parish was obviously of a different nature from that of the towns. In South Littleton, an open-field parish where the poor may have suffered from the absence of commons, regular payments averaging a little over three pounds a year were necessary.² A study of the accounts of five other parishes has not revealed the payment of regular poor relief before the Interregnum - in many rural areas only temporary and occasional aid was given to people whose families were unable to provide for them in old age or sickness.³

As Jordan has pointed out, seventeenth century accounting procedures make it very difficult to assess the relative importance of poor rates, voluntary gifts, and receipts from endowments.⁴ In Worcestershire, funds from all three were important. St Michael's in Bedwardine levied a poor rate but the parish was particularly dependent on gifts. £4"4"4d was raised by an assessment in 1629 but in many years no poor levy is recorded. Occasionally assessments were resisted by ratepayers and the parish officials had to turn to the justices for assistance in enforcing collection.⁵ In almost every year the accounts record the receipt and distribution of substantial sums from the bishop, dean, gentlemen and prosperous inhabitants which were normally distributed to the poor as an addition to their regular monthly allowance. In the rural parish of South Littleton almost the entire cost of poor relief may have been met by assessments for in 1637 £6"17"0d was spent on the church and the poor, of which £5"14"6d had been raised by a levy of two shillings a yardland for the poor and one shilling and sixpence a yardland for the church. In 1638 £3"5"0d was spent on the poor and £3"5"9d in 1639, a poor assessment of two shillings a yardland being necessary in both years. In 1641, however, only £1"14"0d was spent and the poor rate was halved.⁶

1 W.R.O. 855.2: 3900. [unpaginated]

2 W.R.O. 851.91: 1284. [unpaginated]

3 W.R.O. 880.93: 1054/2 G (Salwarpe); 882.93: 5660/2 and 3 (Stone); 851.1: 1895 (Badsey and Aldington); 833.1: 4924 (Eastham); b851.4: 4869/4 (Broadway). Broadway was paying regular poor relief from 1648, the year in which separate overseers' accounts commence.

4 Jordan, *op.cit.*, pp.128-9.

5 W.R.O. b857.06: 2335/16(4), ff.131-132^v.

6 W.R.O. 851.91: 1284 [unpaginated] There is little information about poor relief in the sixteenth and early seventeenth century accounts for this parish. Most of the information in the churchwardens' accounts concerns the fabric of the church, the cost of communion bread and wine, and the laundering of the surplice. There are some poor law entries in the 1650s.

It appears that parishes raised poor rates by a levy on yardland before the civil war but by the 1650s some parishes, at least, were raising funds by local taxes on income, a method approved by Serjeant John Wilde at Michaelmas Sessions 1647 when he settled rating disputes in Stoke Prior, Wolverley and Throckmorton in favour of pound rates rather than assessments on yardland.¹

The parish was responsible for providing housing as well as basic maintenance for the poor and this duty was generally performed. Houses were built on the waste of a manor at the expense of the parish. It is probable that housing provided in this way was of very low quality and on one occasion a man was permitted to live in a sheep cote.² Almost all persons too poor to pay hearth tax had only a single hearth, which suggests that the standard of housing experienced even by labourers able to support themselves was low. It was expected that persons should not marry until they could provide themselves with housing. There can be little doubt that the petition of an engaged couple for housing was rejected in 1617³ and the principle of refusing parish housing to newly-weds was accepted by both the magistrates and the assize judge of 1661/2. At quarter sessions in January 1661/2 it was ruled that

their shalbe no order of court at Sessions or out of Sessions by Justices for churchwardens and overseers of poore to find howse or howseroom for any lusty yong married people but to provide houses for themselvs at ther perill. And at Assizes 8 March 1661, upon the like petition, Sir Robert Hide, one of the Judges, said that yf yong men marry together, before they have howses ther is no law to enforce churchwardens and overseers by the Justices to find howses; but yf they cannot get any let them lye under an oke. 4

The J.P.s became involved in poor relief when parishes failed in their duty, were unable to meet their commitments without assistance, or when there was a dispute over settlement. The petitions from individuals against the unwillingness of parishes to provide relief leads one to the conclusion that overseers of the poor were frequently harsh in their attitudes and less willing to pay than were the J.P.s. In one case a couple in their eighties who had resided in the parish of Norton by Kempsey for forty years had to apply for a court order in order to obtain weekly maintenance⁵ and in another, the overseers of the poor of St Michael in Bedwardine petitioned to be relieved of the obligation to support the wife of a volunteer soldier on the grounds that the statute required them

1 Townshend, "Notes", p.108; In 1650, 1651, 1660 and 1661 similar decisions were made at quarter sessions or by an assize judge, *ibid.*, p.116.

2 , W.Q.S.P., 1617 (188),xxix,56, p.252.

3 *Ibid.*, 1617 (159),xxvii,71, p.247.

4 Townshend, "Notes", p.107.

5 W.Q.S.P. 1628 (187),lii,30, pp.455-6.

to support soldiers' wives only if the men had been pressed.¹ In some cases at least there must have been reason for reluctance to pay. In 1625 the parishioners of St Michael's in Bedwardine complained to their local J.P., John Charlett, that Philip Slough

yearly striveth to beget a child and leaveth his wife and children upon the parish giving no part of the means that he getteth abroad.

2

Parish officers tended towards a very strict interpretation of the laws of residence and they were determined to avoid responsibility for additional paupers.³ The parsimonious attitude of the parochial officials probably stems from the considerable burden which poor rates often constituted for men of the yeoman and husbandman class. If J.P.s were sometimes more generous, it may have been because they were ordering relief to which they would not have to contribute. Any money granted by the overseers of the poor would have to be found by them and their neighbours. J.P.s were less willing to award relief when the interests of their immediate locality were involved than when they were acting on behalf of the whole county. In some instances J.P.s acted as advocates for their own parish when there were disputes over county rates.⁴

When the burden of poor rates was too much for a parish, two J.P.s could order any other parishes in the same hundred to assist and quarter sessions could impose a county-wide rate.⁵ Resolving disputes over poor relief and enforcing collection of money for other parishes provided a serious problem for J.P.s. Naturally parishes were reluctant to pay for any poor but their own and petitions asking to be relieved of their obligations were frequent. Unfortunately the absence of sessions' rolls and the incompleteness of the surviving files makes impossible a full statistical analysis of changes in the demands for poor relief along the lines of Beir's Warwickshire study.⁶ Enough evidence has survived, however, to give a general impression of trends. There was a sharp rise in the number of petitions for assistance from other parishes in the late 1610s, a time of economic difficulty, and the failure of a similar increase to become apparent for the depression years of 1629-31 is explained by the incompleteness of the miscellaneous document files after 1628. There can be

1 *W.Q.S.P.*, 1628 (188), lii, 30, p.455-6.

2 *Ibid.*, 1625 (248), lii, 29, p.455.

3 *Supra*, p.82.

4 *W.Q.S.P.*, 1608 (66), xliv, 32, p.117; 1617(164), xxvii, 85, p.348; 1618 (102), xxviii, 3, p.269; 1619 (303), xxvi, 46, p.305; 1623 (152), xlvii, 72, p.

5 39 Elizabeth cap.4.

6 A.L. Beir, "Poor Relief in Warwickshire", *Past and Present*, 35, 1966, pp.77-100.

no doubt that periods of trade depression and poor harvest produced the greatest number of petitions for assistance.

One feature which emerges even more clearly from the Worcestershire records is the extent to which poverty was an urban phenomenon. Many of the petitions for county aid were from the Tything of Whistones and the parish of St Michael's in Bedwardine, both suburbs of Worcester but outside the jurisdiction of the city.¹ As late as 1620, county parishes were required to assist the city of Worcester, but there is no evidence that this situation continued after the city became a county in itself the following year.² It was not only Worcester and its suburbs which had to appeal for help with the poor rates. In 1616 the borough of Kidderminster requested that the "forren" might be taxed with the borough towards the relief of the poor in the whole parish.² The flow of surplus rural labour to the towns did not completely free the countryside from responsibility for those who had been displaced. Especially in times of high prices, part of farmers' extra profits were transferred to the maintenance of those poor who no longer had access to the land.

Despite the deficiencies of the records, the pattern of demand for poor relief fits that which would be expected on the basis of economic trends. The most acute problem of poverty was found in the suburbs of Worcester during the depression of trade which followed the failure of the Cockayne project. All urban areas shared the problem of poverty in years of high food prices, but it was Worcester, dependent on the volatile and declining trade in broadcloth which was the most dependent on outside assistance. It is certain that the rural parishes also had their poor, but the prosperity of farming in the south-east and the opportunities for combining agricultural and industrial pursuits in the wooded areas, made it possible for parishes to support the smaller number from their own taxes.

Coupled with the desire to keep down the poor rate was the harsh treatment of parents of illegitimate children. One might gather from the frequent reference to bastardy orders that the illegitimacy rate was high. Laslett, however, concluded that the proportion of illegitimate births in the parishes he studied was less than five per cent, a lower rate than in mid-twentieth century England.³ Illegitimacy was serious because it placed yet another burden on a society in which the margin above subsistence was small. The severe social sanctions reflected the economic problems

1 *W.Q.S.P.*, 1620 (163), xlv, 72, p. 338; Dyer, pp. 17-18 describes the growth of the suburbs, and, pp. 165-172, the problem of poverty in Worcester.

2 *W.Q.S.P.*, 1616 (82), xxv, 3, p. 223.

3 Laslett, *op.cit.*, p. 136.

which even one illegitimate child could cause.

The law provided for the punishment of the parents of illegitimate children and for the making of a maintenance order against the putative father. 18 Elizabeth c.3 empowered two justices to enquire into the paternity of the child. Before the birth the mother, and sometimes the reputed father, were called before the justices. Midwives were enjoined to question the girl during labour as it was believed that she would be truthful while in the real danger of seventeenth century childbirth. The act provided for either or both parents to be whipped or sent to the house of correction but surviving orders show that these punishments were inflicted only erratically. Often one order settled both maintenance and punishment. In 1620 the father was sentenced to three days' imprisonment and ordered either to pay 12d per week or take the child while the mother was sentenced to "be publicly whipped at the common whipping post in Feckenham".¹ There were numerous orders for punishment of the parents but the main aim of the J.P.s seems to have been to ensure that the parish did not have to support the child. In one instance the latter objective was achieved by compelling a woman who had two illegitimate children to enter into a bond not to offend in like manner again.²

The entire procedure of punishing the parents and providing for the maintenance of the child could be dealt with by the justices out of sessions, though they had to send a report of their decisions to the clerk of the peace so that they could be recorded in the order book. Putative fathers had the right of appeal to quarter sessions and recognisances were taken from those who wished to exercise it.

Once the child of unmarried or very poor parents was of a sufficient age he could be compulsorily apprenticed to virtually any potential employer except a clergyman. Most parents arranged apprenticeships themselves and paid the necessary fees but where they did not do so the churchwardens and overseers of the poor could bring children before two J.P.s and, at the expense of the parish, bind any boy aged between 7 and 14 to a master without the consent of either apprentice or employer. Girls could be bound until the age of 21 or prior marriage. Though apprenticeship was normally for a period of seven years, very young apprentices were indentured for a longer period.

A typical agreement bound the apprentice to serve his master as "a true and faithful servant ought to behave himself" and the master to

1 W.Q.S.P., 1620 (155), xlv, 65, p.336; For another instance of the father being sentenced to three days' imprisonment see *ibid.*, 1610 (25), xviii, 15, p.139

2 *Ibid.*, 1633 (75), lviii, 11, p.501.

teach his apprentice

and in due manner to chastise him, findynge unto his said servant meate, drinke, linnen, woollen, hose, shoes and all other things to him necessary. ¹

Though two justices could sign an indenture of apprenticeship, it took the signatures of four to cancel it and the courts generally enforced all the obligations written into the bond. If an apprentice ran away the master was entitled to keep any covenant money paid to him and the apprentice could be severely punished. Despite the master and servant relationship, it was expected that the master would provide genuine training for his apprentice, and the statute 5 Elizabeth cap.4 sec.13 allowed only people who were householders and who had at least half a ploughland in tillage to take an apprentice. In the trades of cloth-maker, tailor, shoe-maker, and certain others, the master had to employ at least one journeyman for every three apprentices. Thus the apprenticeship system was one which provided the young not only with employment but training in a trade. However even when the system was not abused by unscrupulous masters it had the drawback of tying young people to a particular trade for life, and at a time when fairly rapid economic changes were rendering some classes of tradesmen redundant and creating tremendous opportunities in other fields, this was a disadvantage. However laxity in enforcement mitigated the severity of the law which prohibited those who had not undergone a seven year apprenticeship from practicing a trade. ²

Barnes found that in Somerset there was no difficulty in persuading masters to take apprentices before the economically disturbed 1630s and the much less complete records of Worcestershire suggest a similar situation, though not quite an identical one. In the very early years of the century there was no difficulty in finding employers willing to train apprentices. and there were occasional prosecutions of persons who had them when not qualified to do so. However opposition to accepting responsibility for apprentices can be found in 1615 and 1621, both years of economic difficulty in Worcestershire, as well as in the 1630s. ³

In the 1630s employment of apprentices was a national problem. In the so-called Resolutions of the Judges of Assize Chief Justice Heath ruled that masters must take apprentices from within their own parish if ordered by the parochial authorities, from within the hundred at the command

1 Trotter, *op.cit.*, p.153.

2 Davies, *op.cit.*, *passim*.

3 *W.Q.S.P.*, 1615 (22),xxii,18, p.200; 1621 (7),xliv, p.340.

of the divisional justices, and from anywhere in the county if the justices at quarter sessions so ruled.¹ Determination of the government to enforce compulsory apprenticeship is shown by the punishment in Star Chamber of a Hampshire J.P. who had opposed it. Most of those who refused apprentices were required to appear at quarter sessions or the assizes. Those who refused to give bond to appear could be imprisoned.² In Worcestershire the response to unwelcome apprentices was maltreatment rather than outright refusal to accept them.³ It is obvious that during the 1630s and in other periods of trade depression opposition to the taking of apprentices must have presented difficult problems both for parochial officials and for J.P.s in and out of sessions.

Plague was a recurrent phenomenon which appeared in 1609, 1610, 1617, 1625 and 1637. Owing to the urgent need for action in an epidemic, the main burden for organising relief and quarantine measures fell on the parish constables and J.P. out of sessions. The constables were empowered to enforce quarantine and collect rates for the relief of the afflicted. The statutory powers of the J.P.s to deal with plague were laid down by 1 James I cap.32. Those J.P.s living in the area of the outbreak were to assess any parish within five miles and certify their order to quarter sessions which could increase the rate. This power was one which the J.P.s were frequently recommended to exercise by Privy Council letters. Such a rating order was made by Worcestershire J.P.s in 1610 when Easter Sessions instructed Sir John Bucke and Edward Jefferies to take account of the rate already imposed on neighbouring parishes for the relief of plague stricken Castlemorton and increase it if necessary.⁴ In the same year a J.P.s' order that rural parishes near Worcester should be rated to assist plague areas in the city was resisted and had to be confirmed at quarter sessions. One plague order of that year produced such strong feelings that there was a petition to the judges of assize to reverse it. The judges, however, simply referred the matter to quarter sessions.⁵ It is probable that the judges were unwilling to reverse orders made by J.P.s on urgent matters unless what they had done was clearly *ultra vires*. In any case the judges had authority over plague orders only in their capacity as county J.P.s.

Even when officials had spent their private money in the interests

1 Barnes, *Assize Orders*, p.64.

2 Harley MS 4022, f.17; Barnes, *op.cit.*, p.64.

3 *W.Q.S.P.*, 1637 (175), lxxxiv, 78, p.638; 1637 (210), lxii, 115, p.645.

4 *Ibid.*, 1610 (151) xviii, 13, p.152.

5 *Ibid.*, 1610 (153) xviii, 48, p.153; 1610 (160), vii, 75, p.154.

of rapid relief there was extreme reluctance to reimburse them. In 1610 the officer appointed to collect and distribute money for infected persons in Whistons advanced funds from his own pocket to prevent the afflicted from dispersing and spreading the infection and had to appeal to quarter sessions to order the payment of arrears.¹ Later assessments show that the task of enforcement was often difficult and that the burden was often thrown on pairs of J.P.s acting out of sessions. In 1617 the town of Dudley requested financial assistance as it had been suffering from plague for nine months, and its petition was referred to Sir Francis Egiock and Sir Richard Graves.² Continuing resistance to paying rates imposed for plague relief is shown by the presentment at quarter sessions of seven men who refused to pay anything towards the aid of plague stricken Redditch in 1625.³ The quarter sessions' records contain no information about the need for plague relief during the national outbreak of 1631, but Bund considered that the petition that potentially plague carrying vagrants be dealt with by provost marshalls was a response to fear of infection.⁴ There was certainly a visitation in 1637 and alehouses and vagrants were considered to be causes of the spread of infection. Once again there is no record of county rating for plague relief.

Administration of measures to assist plague victims was primarily the work of J.P.s out of sessions. Village constables had limited authority, but for the most part they acted as agents for the justices. The role of quarter sessions and assizes was secondary. Most of the work and most of the authority was in the hands of divisional justices acting out of sessions; theirs was the initiative and theirs the task of executing orders from quarter sessions. Quarter sessions had only the tasks of confirmation, delegation and the punishment of offenders.

When control over poor relief as a whole is examined, a wide diffusion of authority is revealed. Constables, overseers of the poor, churchwardens and the vestry all had an important part to play and much of their work can have been subject to no more than the routine oversight of the J.P.s. In many instances the divisional justices, or any two of them, were able to resolve problems which arose. Both their greater legal authority and their prestige gave them considerable advantages over the husbandmen, yeomen, and, occasionally, very minor gentlemen, who filled parochial offices.

1 *W.Q.S.P.*, 1610 (153), xviii, 48, p.153.

2 *Ibid.*, 1617 (117), xxv, 101, p.229.

3 *Ibid.*, 1625 (244), xlviii, 176, p.397.

4 *Ibid.*, p.cliv.

However the divisional justices had only limited powers of coercion and could usually do nothing with those who refused to obey their orders except bind them over to appear at quarter sessions or the assizes. While much initiative remained with local officials, coercive authority was relatively ineffective below the county level, except where it was delegated authority. If quarter sessions or assizes delegated J.P.s to decide disputes out of sessions and made it clear that their decisions would have the support of the delegating body, resistance can have been slight. Where, however, parish officers and local J.P.s were acting on their statutory authority alone, their lack of power to enforce decisions except by referring the matter to the courts must have seriously slowed administrative processes in cases of dispute. Though evidence of Privy Council intervention in local poor law cases has been discussed above, there is no doubt that in most instances the final authority lay with quarter sessions or, occasionally, the assizes. Though initiative would normally come at the parochial or divisional level, and rarely from the central government, local authorities lacked the coercive authority to enforce their decisions when these were disputed. The Council certainly had the authority to see that its orders were enforced, but practical limitations on the number of cases in which it could intervene meant that it normally left the details of administration to the discretion of quarter sessions.

Official relief of poverty was supplemented by private charity. The casual giving of alms to the needy went unrecorded, but the numerous references to decline in hospitality and charitableness probably indicate that this means of poor relief was of less importance than in the past. However comparisons of the present with some mythical golden age must always be treated with considerable caution. What is certain is the growing importance of the charitable trust which enabled bequests to be invested and the income used for social purposes in perpetuity. Relief from charitable trusts was, according to Jordan, of greater importance than that raised by parish rates.¹ Certainly the trust funds strengthened the social rehabilitation element in poor relief, helped combat the causes of poverty by providing funds to educate poor boys, to enable promising young men to start their own businesses, and to provide marriage portions for eligible but impoverished young women. In this way private trusts attacked the foundations of poverty rather than merely alleviating the

1 W.K. Jordan, *Philanthropy in England, 1480-1660*, 1959, p.140. In Worcestershire 43.92% of charitable endowments were for the direct relief of the poor, 5.94% for social rehabilitation. *Ibid.*, pp.250-1.

symptoms, they assisted men to take advantage of economic trends rather than trying to avoid problems by preserving the status quo.

Jordon claims that

these endowments were with few exceptions carefully and prudently ordered by their donors, with the result that they were well administered, carefully husbanded and stood as open invitations to later benefactors to augment them as their enormous social value came to be recognised. 1

While this contention may have been generally true, examination of the records of the Commissioners of Charitable Uses shows that feoffees were as open to temptation and as liable to incompetence as were other men. The existence of a body able to regulate abuses was necessary to prevent corrupt practices negating the intention of the donor, for while the number of cases heard by the Worcestershire Commissioners was small, only about one a year, the possibility of having to answer to the Commission must have been an important deterrent to dishonesty. Under the terms of the two Acts of Charitable Uses, the investigating Commission was to include the Bishop of the diocese in which the alleged abuse occurred and at least four members. There was considerable variation in the numbers appointed, ranging from a minimum of fourteen to a maximum of twenty-nine. Somewhat over half the members were J.P.s, the others mostly clergymen or lesser gentry. The one exception to this generalisation is the commission for Dudley in 1637 which consisted mainly of townsmen.²

The Commissioners were empowered to enquire by jury into any breach of a charitable trust which was brought to their notice and, should the jury find that misappropriation had occurred, order that the matter be rectified. Their decision was subject to appeal to Chancery and the final decree was enrolled in that court.

Despite the large number of nominal Commissioners, cases were normally decided by between four and six. On one occasion ten Commissioners were listed as present, but as only seven signed the order and six the findings of the jury, the higher total is suspect.³ The Bishop was present in a high proportion of cases and the other Commissioners who attended were usually active J.P.s. The Commission had no fixed place of meeting, sometimes congregating in the Worcester Guildhall, at other times in the county J.P.s' usual meeting place, the Talbot in Sidbury, and at the most convenient inn when hearing cases in far parts of the county.

1 Jordon, *op.cit.*, p.119.

2 C.93/16/19.

3 C.93/13/18, ff.4-5.

The cases dealt with by the Commission can be divided into two categories, those involving outright misemployment of the trust property and those where inflation had reduced the value of rents received from properties let on long leases to well below an economical value. The first category involved fraud on the part of the feoffess, or occasionally, no more than culpable negligence. Dishonesty by the feoffee was certainly present in the case of Chaddesley Corbett school land found in 1632 to be worth £48 per annum but leased to a friend of one of the trustees at a substantial under-valuation.¹ In another charity the rents were not only well under commercial rates, but the heriots were reserved to the personal use of the feoffees, and this abuse of trust was exceeded by the feoffee who held school lands as if they were his own property.²

Feoffees were certainly negligent in allowing other Martley School lands to be held without payment of rent after the leases had expired,³ in their failure to collect a rent charge on a messuage in Bromsgrove which should have been devoted to the poor there, and the full £1"4"0d interest on a £15 loan which should have gone to the schoolmaster in Bromsgrove.⁴ Kidderminster School lands were let at uneconomic rents and the proceeds were not applied to the school. It is not clear that the feoffees personally benefited from this neglect of duty.⁵ Another instance of small scale evasion was the non-payment of rent on land bequeathed to the support of an almshouse in Castlemorton in 4 Henry V. One John Cocke held a lease of these lands for twenty-one years and he had fallen £4"16"0d into arrears.⁶ Certainly the most blatant failure to pay rents on charity lands was in the parish of Ripple where rent on lands demised to the upkeep of the church and relief of the poor were £100 in arrears.⁷ However there may have been some genuine doubt about the extent of the school lands as the occupant was able to gain some concessions when he appealed to Chancery.

The inflation of property values in the sixteenth and seventeenth centuries meant that long leases soon became uneconomic. Land bequeathed to Worcester Free School in 1558 was still held at a rent of £16"14"4d in 1626 though the current value was £62"7"8d,⁹ and in 1625 land donated to

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- 1 C.93/13/18, f.4, 7 October 1631.
 - 2 C.93/13/18, f.6, 12 January 1631/2; C.90 Roll 4, 4 July 1606.
 - 3 C.93/11/16, f.2, 16 April 1629.
 - 4 C.93/13/18, f.2, 1 July 1632. £1 interest was being paid.
 - 5 C.93/14/12, ff.2-4, 10 October 1633.
 - 6 C.93/7/11, f.2, 30 September 1617.
 - 7 C.93/17/6, f.2, 14 September 1638.
 - 8 C.90 Roll 9, 30 May 1648.
 - 9 C.90 Roll 2, 29 October 1624.

charities in Cofton Hacket was let for 13/4, though valued by the jury at £8 per annum,¹ and in 1605 land of the same value left in trust for the poor of St Clement's parish in Worcester city and for the repair of a bridge was yielding a rent of £1"14"0d and a fine of £4"6"8d. The lease did not expire until 1694.¹

Causes before the Commissioners of Charitable Uses were heard according to the normal procedure for civil cases. Both parties to the dispute could be represented by counsel, and both could take depositions from witnesses³ or produce them to give evidence in person. Plaintiffs were normally the parochial officials of the parish which believed that the interests of its inhabitants had been harmed. The St Michael in Bedwardine Churchwardens' accounts record the payment of fees to an attorney to represent the parish in a case before the Commissioners.⁴ If the jury found that the way in which the feoffess had administered a trust constituted misemployment, the Commissioners were able to make an order to rectify the situation. The response of the Commissioners to corruption was to remove the dishonest or negligent feoffees and to collect arrears where possible. Though new feoffees were sometimes appointed,⁵ the general practice of the Commission was to vest control of the trust in existing local authorities. Following the disclosure of corruption and inefficiency by the Trustees for the Worcester Free School and Trinity Almshouse, control of the misemployed lands was vested in the mayor and corporation of the city. In rural areas, errant trustees were normally replaced by the churchwardens together with other leading inhabitants.⁶ The one important exception to the usual practice of putting trust funds in the hands of local authorities rather than trustees occurred when the bailiffs of Kidderminster were found to have misemployed the rent from lands bequeathed to support a free school by using the funds for other purposes and letting the land at excessively low rents. In this case, new feoffees, including Mountjoy, Earl of Newport, the Bishop of Worcester and county J.P.s, as well as the new bailiff of Kidderminster and prominent townspeople, were appointed.⁷

When lands were undervalued by reason of long leases and inflation rather than corruption, rents were raised on equitable principles,

1 C.93/10/13, f.2, 11 March 1624/5.

2 C.93/2/20, f.6, 2 October 1605. C.90, Roll 2.

3 C.91/9/14, 4 May 1632. Several depositions signed by clerk of the peace.

4 *Churchwardens' Accounts of St Michael in Bedwardine, Worcester, 1593-1603*, (ed.) J. Amphlett, Worcestershire Historical Society, 1896, pp.146-7.

5 C.93/11/16, 16 April 1639; C.90 Roll 4; C.90 Roll 7.

6 C.93/10/13, f.3; C.90 Roll 2.

7 C.93/14/12, ff.2-8, 10 October 1633.

account being taken of entry fines paid by the holder and improvements made as well as current values. These principles were most clearly applied when lands bequeathed for bridge repair had been leased at a fixed rental for a total of 160 years and still had 89 years to run. Possession of the land had changed several times, a capital sum being paid to the previous tenant on each transfer, and the tenant in possession had spent considerable money on improvements. Though the rent was raised by the Commissioners, they set it at a figure below the full annual value and at a level which would not be sufficient to meet in full the costs of bridge repair.¹ Where it was considered just, an attempt was made to recover back rents, the largest arrear which it was attempted to collect amounting to £100.² When rents were raised because of the inflation in property values, sitting tenants were usually offered first option to renew the lease at the augmented rent, though sometimes this was conditional on their paying some arrears, or part of the cost of prosecution.³ When the Commissioners discovered that lands set aside for the repair of Eckington Bridge over the Avon could no longer be identified because the feoffees had lost some of the deeds, they ordered that the surviving documents should be kept in the tower of the parish church and secured by a trunk locked with four keys, two of which were to be kept by the churchwardens and two by "the Auncientest of the feoffees".⁴ The power of Chancery Commissions to interfere with common law contracts in the interests of charities is something which must have aroused opposition in some quarters.

The Commission of Charitable Uses was a means of bringing private trusts under the supervision of the same people who controlled parish relief. Though the Bishop was automatically the senior member of a Commission he did not always sit at its meetings and most of the active members were J.P.s. Thus control at county level was vested in the same group of men who supervised the parishes at divisional meetings and quarter sessions. Their decisions to replace errant feoffees generally added to the power of churchwardens and leading parishioners, the people who levied the poor rates and elected overseers of the poor. Just as the highest level of oversight, below the Privy Council, of parish relief was vested in the itinerant justices of assize and King's Bench, supervision of private charity was in the hands of Chancery. However the basic hierarchy of control was the same - the judiciary, the county J.P.s and the parochial officials. The Acts of

1 C.93/2/20, f.6

2 C.93/17/6, f.3, 14 September 1638; C.90 Roll 9, 30 May 1648.

3 C.93/8/3, f.4, 5 March 1621; C.93/8/14, f.3, 8 December 1620.

4 C.93/9/14, f.6, 29 March 1622.

Charitable Uses concentrated in the same hands power over public and private poor relief.

Examination of the Worcestershire records shows that the requirements of the poor laws were normally met by the parochial officials and that where they were not, the county magistrates intervened. At times, the parish officers appeared mean, unwilling to spend a penny more than was required by the letter of the law, occasionally failing even to meet their statutory obligations. The reason for this is not hard to find - the scale of the problem of poverty stretched the resources of many parishes to the limit, and in some parishes, at least, poor rates must have been a heavy burden on those subject to them.

The success of the poor laws is difficult to evaluate. From a humanitarian point of view, it is clear that the poor laws met with a considerable measure of success. Laslett found little evidence of actual starvation in England, even during times of dearth, while in France, which did not have a well developed system of poor relief, starvation was a recurrent phenomenon. On the other hand, the continuing references to the punishment of vagrants suggest that the laws for their suppression had little effect, though it is possible that their numbers would have been greater in the absence of penal legislation. At a more strategic level, government policies were largely unsuccessful and even damaging. Attempts to check economic trends by apprenticeship laws, acts against the conversion of arable to pasture and anti-enclosure legislation provided limited short-term benefits but helped restrict the economic growth necessary to provide an adequate standard of living for the growing population. Backward-looking government policies were opposed by men of the merchant class. Their attitude was not

due to lack of concern for the problem of poverty, as the labours of Professor Jordan have amply demonstrated. They felt that the government by its refusal of free play to the forces of supply, demand and competition, was hampering their efforts to solve the problem by expanding production and by private charitable endowment. When all allowances have been made for self-deception and self-regarding motives, it is difficult not to conclude that the opponents of the government had the better case.

2

The greatest weakness of public relief was the lack of any compulsory element of social rehabilitation. Worcestershire records support Pound's contention that men of the yeoman and husbandman class were concerned primarily with immediate results. In Worcestershire it was private charity which helped to provide the job training, the capital and the new wealth needed by a larger and increasingly urban population, without which it was

1 Laslett, *op.cit.*, pp.107-27.

2 Hill, *op.cit.*, p.269.

inevitable that those who had lost their stake in the land would live in grinding poverty.

Perhaps the repair of roads and bridges provided the J.P.s with an even greater quantity of work than did administration of the poor law. Roads were notoriously bad, subject to neglect, deliberate damage, flooding and enclosure. Their repair was hindered by lack of funds, resistance to forced labour, and, above all, poverty of technical knowledge. Bridges, too, were an interminable problem, mainly because of disputes about who was required to maintain them.

The duties of the J.P.s in road maintenance were laid down by 2 and 3 Philip and Mary cap.8. For six days each year every person who held plough land in a parish was to provide two men and a cart and each able bodied householder was to provide manual labour. Their work was directed by two parish surveyors appointed annually. Should the surveyors or parishioners fail in their statutory obligations any two J.P.s were empowered to present them at sessions or fine the parishioners outright. In Worcestershire it appears to have been customary for non-residents occupying 100 acres to send substitutes, and in some areas wealthier parishioners below the class owning teams of horses provided a small cart.¹

As one would expect, the amateur roadworkers were both unwilling and unable to keep the roads in repair. At one time or another virtually every parish in the county was complained of, usually by the inhabitants of another parish. The parishes which attracted the most complaints, however, were those through which the six main roads ran. The constables and churchwardens who presented that their roads were in good repair were contradicted by the evidence of travellers. In 1634 a concerted effort to improve the roads resulted in the presentment of twenty-five parishes and the indictment of many overseers and owners of plough land.

It is apparent that the justices had made an inspection of the roads in 1634. More commonly they were obliged to settle disputes about liability to work on the roads, such as whether parishioners had to work at another time if the appointed days were wet, whether a man could send a substitute to work in his place, and hearing charges of corruption, such as that brought against a surveyor for demanding personal services from owners of teams and presenting them for non attendance if they refused.²

There is only one example of two J.P.s out of sessions exercising

1 *W.Q.S.P.*, 1634 (230), lxiii, 84, p.557; 1634 (252), lxiii, 116, p.560.

2 *Ibid.*, 1633 (230), lviii, 77, pp.521-2.

their authority to fine a recalcitrant parish for non repair of roads. Most often parishes were charged at quarter sessions or assizes and fined if the charge was found to be proven. These fines were sometimes reduced or cancelled if the roads had been repaired by the next meeting of quarter session or assizes. In 1621 the judges ordered the remission of fines imposed for non repair of highways on all parishes which had produced evidence that the defects had been remedied¹ and in the following year a £5 fine imposed on the parish of Stoulton was reduced when the court heard that the roads had been repaired since the infliction of that penalty.² It is possible that many of the fines were suspended sentences, a form of bond to force the parish to act, rather than a financial penalty which was meant to be estreated immediately.

The upkeep of bridges was a constant cause of complaint, possibly because responsibility for repairing them was often vested in persons other than the parishioners. The bridges at Besford, Bishampton, Piddle, and Shipston were the responsibility of ecclesiastical authorities, Upton Warren of the Earl of Shrewsbury, Powick of the Lords of the Manor of Powick and Wick Episcopi, and others were the responsibility of particular hundreds or families. Only Comberton House bridge was certainly the responsibility of a single parish.³ Tenbury Bridge might have been repaired at the sole charge of Tenbury parish for in 1615 it petitioned for assistance in finding the £30 needed to repair damage caused by the spring floods. This bridge was on a main road from London to Wales.⁴ At times it required an order from the judges to ensure that bridges were repaired. Parishes and sometimes the whole county were fined for failure to repair a bridge.⁵ It is interesting that these fines were imposed by the judges of assize, for bridge repair was one area of administration in which they, as judges, had no authority at all. The statute 22 Henry VIII cap.5 gave exclusive authority over bridge repair to sessions of at least four J.P.s. It was only by virtue of their inclusion in the Worcestershire commission and by combining their authority with that of J.P.s present at assizes that the judges were able to take action.⁶

Another major source of work for the J.P.s was the regulation of the

1 E.368/582.

2 E.368/586.

3 *W.Q.S.P.*, pp.clxxx-clxxxi.

4 *Ibid.*, 1615 (133), xxii,83, p.212.

5 E.368/539. The inhabitants of Pershore were fined £2 for failure to repair Powick Bridge and those of the whole county the same amount in respect of Twyford Bridge.

6 Cockburn, *op.cit.*, pp.172-3.

malting, brewing and selling of beer, and there was constant pressure from the Council to see that this part of their duties was efficiently performed. The motive of the restrictions was, despite the fulminations of King James against the sin of drunkenness, only secondarily temperance. Barley was the main bread corn of the poor in times of dearth and if beer of excessive quantity or strength was brewed, stocks of barley were reduced and the price of bread increased. Thus pressure on unlicensed brewers and malsters was greatest in times of poor harvest.

By 5 and 6 Edward VI cap.25 any alehouse keeper could obtain a license from two J.P.s if he gave a bond that he would maintain order in his house. Licensing was made compulsory by 3 Charles cap.4. The result of this legislation was to place the greatest part of the work of regulating alehouses on the J.P.s out of sessions. Despite the requirements of the law, unlicensed alehouses were a constant cause of complaint. The respectable complained that they were sources of disorder, especially when they sold strong beer,¹ that they harboured felons and encouraged crime,² while the puritanical reported drunkenness and gambling even at the time of divine service.

It is apparent that despite complaints, unlicensed alesellers persisted, and there are occasional requests that alehouses be licensed because of local needs.³ Indeed, it seems likely that unlicensed alesellers were safe from prosecution provided that they kept an orderly house, ministered to local requirements, and did not use excessive grain in times of dearth.

The importance of grain shortage as a motive for restricting brewing cannot be overstressed. In 1625 the Council ordered the Worcestershire J.P.s to suppress superfluous alehouses and ensure that the strength of beer and ale "be so moderated as that thereby drunkenness may be avoided and vain consumption of grain prevented".⁴ In 1631 grain was again in short supply and the Council ordered the sheriff and J.P.s to

use your best care and endeavours that during the continuance of the present scarcity the maltsters be not permitted to make any greater quantitie of malt than may be sufficient for necessary use that so there may be more plenty of barley for the relief of the poor. 5

Neither order seems to have resulted in any significant increase in prosecutions, but the total for 1625 was already high, suggesting that the J.P.s had anticipated the instructions of the Council.

1 *W.Q.S.P.*, 1612 (95), xix, 85, p.173; 1612 (96), xix, 86, p.173.

2 *Ibid.*, 1633 (231), lviii, 92, p.522; 1633 (249), lviii, 75, p.527.

3 *Ibid.*, 1610 (159), vii, 74, p.153.

4 *Ibid.*, 1625 (249), xlviii, 199, p.398.

5 *Ibid.*, 1631 (97), lvi, 60, p.484.

Beer was regarded as a basic commodity and thus subjected to price control. Part of the motive for maintaining a rigid upper limit on the price of beer was to make it unprofitable for brewers to produce strong beer, more wasteful of barley and more liable to cause drunkenness. In an attempt to limit consumption and restrict the amount of time wasted by the working classes, legislation made it illegal for anyone but a *bona fide* traveller to remain more than one hour in an alehouse. As the fine for this offence could be levied by the churchwardens, no records of it being imposed survive in the quarter sessions' papers.¹

The licensing of alehouses was one of the few areas in which the administration of the justices was open to charges of corruption and favouritism. It would seem that in Worcestershire one of the local peers was not immune to the temptation to practice one or the other, for Lord Dudley's list of those alesellers who ought to be continued and those who ought to be suppressed in the town of Dudley is unlikely to have been an objective assessment.² Certainly the issuing of alehouse licenses was one of the few aspects of local administration where blatant non-compliance with the law was taken for granted in official documents. Recognition by the Privy Council of the shortcomings of J.P.s' administration of alehouse laws must have provoked the search for unlicensed inns and prosecution of their keepers in 1617³ and the implementation for a time of James Duppa's scheme to place brewing and malting under the control of a company headed by himself.⁴

The making and enforcing of commercial regulations were important duties of the J.P.s. At Easter Sessions they determined the maximum wages which could be paid, they fixed the price of bread and ale, and, in their judicial capacity, tried those who offended against the regulations they had made.⁵ Though the justices had considerable power to act out of sessions in commercial matters, in Worcestershire they seem to have used it rarely. The only disputes between master and servant of which evidence remains, were referred to quarter sessions,⁶ and despite statutory powers enabling two J.P.s to punish breaches of weights and measures' regulations, the bailiff of Bewdley was indicted at sessions, rather than fined by the neighbouring J.P.s, for allowing corn to be sold in too small a strike.⁷

1 21 James I cap.vii.

2 *W.Q.S.P.*, 1604 (87), ii,41, p.68.

3 K.B.9/752, ff.121-128.

4 P.C.2/46, pp.371-4; S.P.16/408/21. Duppa's scheme operated in 1638.

5 *W.Q.S.P.*, 1634 (199),xxxiv,2, p.554; 1634 (234),lxiii,93, p.558.

6 *Ibid.*, 1616 (13),xxv,57, p.215; *Ibid.*,1616 (76),xxv,96, p.222.

7 *Ibid.*, 1612 (80 & 81),xix, 35 & 36, p.171.

It is obvious from what has been written above that the J.P.s had to meet out of sessions to fulfill their responsibilities. Warrants to the sheriff to summon jurors to attend named J.P.s hearing cases of trespass or riot outside the regular sessions, and in centres other than Worcester, and appeals from the decisions of such courts filed among the records of King's Bench ¹ show that the J.P.s conducted judicial business at special sessions. It is likely that most of these cases had been referred to the divisional justices by quarter sessions, a practice known to have been common in counties for which sessions' rolls survive. The J.P.s sometimes met to commit those charged with an offence for trial, to bind the unruly to keep the peace, or to license alesellers and take bonds from innkeepers not to dress meat in Lent. It is clear that the J.P.s held special sessions to conduct both judicial and administrative business, but it is unlikely that divisional justices held regular monthly meetings until the 1630s.

The regular gatherings of divisional justices and parochial officials established by the Book of Orders were primarily administrative; they did not constitute a "petty sessions" in the modern meaning of the term for their judicial authority was confined to the punishment of trivial and usually commercial offences. The justices committed suspects to quarter sessions or assizes and sometimes tried by jury offenders delegated to them. The divisional justices did not possess the power essential to a true petty sessions, the right to hear and determine without jury offences brought before them in the first instance.

The J.P.s in Worcestershire should have been keeping regular petty sessions. A conciliar order of 23 June 1605 which introduced new directions for "the better preservation of his Majesty's subjects in peace, order and obedience", directed the J.P.s to confer with the judges at the next assizes about setting up "convenient and apt divisions" throughout the county over which "fit Justices were" to be assigned to have special charge and care . . . and there to be answerable for such defaults as shall happen therein." At each sessions they were to enquire into the observance of statutes concerning labourers, rogues and vagabonds, the poor bread and ale, and to ensure that all offenders were "presently punished according to the law".²

This order did not grant the J.P.s any new powers and it merely

1 K.B.9/751, ff.282-6; /768, ff.116-20; /774, ff.355-6; /785, f.187; *W.Q.S.P.*, 1617 (173 & 174), xxvii, 94 & 96, p.250; 1627 (230), xlix, 59, p.430; 1628 (160), liii, 97, p.451.

2 A.H.A. Hamilton, *Quarter Sessions from Queen Elizabeth to Queen Anne*, 1878, pp.67-71.

ordered them to exercise their existing authority in a particular way. The statement that they should punish offenders is not entirely clear and it can be interpreted as granting power to determine cases of petty theft or assault, and authority to hear such cases out of sessions would have been a definite innovation and one which would have been of dubious legality if made only by proclamation rather than by statute. The text of the order suggests that the misdemeanours which the J.P.s were to punish included only breaches of administrative and commercial statutes for they were specifically ordered to assemble with the high and petty constables, overseers and surveyors at a convenient place which would enable everyone living in the division to attend without having to travel more than seven or eight miles. It appears, then, that the new sessions were primarily a means of improving administration, not trying those who were, by twentieth century standards, petty criminals. No powers of criminal jurisdiction previously exercised only at quarter sessions were transferred to the divisional justices at their regular meetings.

Further support for this contention can be found by examining the two parts of the justices' *assignavimus*. The first part authorised J.P.s to enquire into all offences and enforce the law while the second authorised two or more to enquire by jury into all felonies except those which fell into the category of *casus difficultatus*. It appears that the 1605 conciliar order commanded the J.P.s to exercise the powers conferred by the first part of the *assignavimus* rather than extending those granted by the second.

There is, however, no evidence to suggest that the system of regular meetings was brought into operation in Worcestershire. Justices continued to meet from time to time in order to carry out administrative duties but analysis of the dates upon which orders were signed by pairs of justices does not reveal any regular pattern of meetings as envisaged in the order. If the 1605 instructions were ever implemented in Worcestershire, their effects must have been slight and short lived.

The other part of the order was a precursor of things to come. This was the instruction to establish regular divisions in place of the traditional hundreds. Divisions already existed for taxation purposes but these were formed by the aggregation of hundreds. The five hundreds in Worcestershire were grouped into three tax divisions. The divisions required for local administration were smaller units, portions of hundreds, or parishes gathered together without regard to hundred boundaries. Unfortunately no evidence has survived showing the precise boundaries of petty sessional districts at the time they were first created but they appear to have followed

similar lines to the high constablewicks within hundreds.¹ There is insufficient evidence for any categorical statement about the extent to which a regular divisional system had been established before 1631. Signatures on out of sessions' documents show that groups of J.P.s tended to act for particular areas but this does not show that there were any formal arrangements for regular meetings.

The move towards greater rationalisation of county administration reached its climax in the Book of Orders of January 1630/1. Like most great reforms, it owed its origins to the need to meet particular problems and developed into something of more general application.

The early years of Charles I's reign were difficult. Neither nature nor politics smiled on the new king. There was famine in the first year of his reign² and the perennial problem of vagrancy was swollen by military deserters whose suppression was ordered by the Privy Council in 1627 and 1628.³ The Council attempted to meet these problems by ordering J.P.s to be more conscientious in their administration of poor relief and the apprenticing of pauper children. Unfortunately the Worcestershire quarter sessions records for 1629 are very incomplete and it is impossible to say if the order had any effect on administration there.

In 1629 and 1630 poor harvests coincided with a slump in the cloth trade. Five years of war had disrupted trade patterns and the refusal of cloth merchants to export, which resulted from the dispute over tunnage and poundage, produced real distress, especially in cloth weaving districts. The problem of the destitute weaver, was, however, one which the officials of the city of Worcester had to meet, as most of broadcloth producers involved in the export trade were located there.

Poverty and distress aggravated the problem of law and order. The ranks of the vagrants, already swollen by deserters and discharged soldiers, were further augmented by starving weavers and, in some parts of the country, there were riots against the transport of grain. The Government had two problems to meet, the preservation of order and the husbanding of grain. Specific outbreaks of violence were effectively suppressed by county J.P.s and the Privy Council concentrated on removing provocations and on exercising its paternalistic role. The prohibition on the export of grain both removed an incitement to rebellion and helped conserve supplies. On 13 June 1630 the Council issued further instructions designed to conserve grain similar to those of earlier famine years. All these had emphasised

1 Bodl. MS Jesus College 86, ff.68-70 lists the divisions of 1661.

2 A.P.C., 1625-26, pp.143-4.

3 A.P.C., 1627, p.185; *Foedera*, xviii, p.967.

the need to suppress unnecessary alehouses and to ensure that brewing was curtailed as well as the punishment of profiteers and hoarders.¹

In 1630 peace had been restored, the King freed from the distractions of war, the advent of Bishop Laud to the Council had helped fill the vacuum produced by Buckingham's death and the Government was able to turn its energy towards meeting the immediate domestic problems and to reform of the structure of local government. It was obvious that stability could be assured only if adequate measures were taken to deal with poverty and in June 1630 a committee of ten Privy Councillors was established to deal with those matters concerning the poor law which came before the Council.² From the deliberations of this committee developed the most wide reaching reforms in local government to be undertaken in the seventeenth century.

B.W. Quintrell's contention that the particular form of the Book of Orders owed much to Northamptonshire practice and the influence of the Earl of Manchester is supported by strong evidence.³ The series of letters between Lord Privy Seal Manchester, one of the Council's poor law committee, and his brother, Lord Montagu, lord-lieutenant of Northamptonshire, shows that Manchester considered that reform of local administration was a necessary concomitant of specific measures to meet the particular problems of the times. Manchester considered that there was no need for legislation as good laws already existed for the relief of the poor. He believed that social problems could be solved if the J.P.s were diligent and proposed establishing a system which would force the parish officers to report to the justices who would in turn certify their enforcement of the poor laws to the judges of assize. He wrote

there want no laws to reform all things, but good executioners of laws. Notice must be taken of such as use diligence, and they known that are negligent; to which end we are in purpose to have a commission to send Councillors and Judges, and this way of account to be taken: the inferior ministers to account unto the Justices of the Peace; the Justices of the Peace to the Justices of Assize; and the Justices of Assize to these Commissioners; and this to be every three months, that we may see how those laws that concern the poor, the putting out of apprentices, and punishing of rogues and idle persons, the setting to work those that are strong and able, the raising of stocks to employ men, the laws against alehouses and drunkenness, and other laws of this kind, are executed, the penalties levied and employed, and these strictly enquired of in the course that you take every three weeks.

4

1 E.M. Leonard, *The Early History of English Poor Relief*, Cambridge, 1900, pp.319-26.

2 A.P.C., 1630-31, p.4.

3 B.W. Quintrell, "The Government of the County of Essex, 1603-1642", University of London Ph.D. Thesis, 1965, pp.59-60.

4 H.M.C. *Buccleuch-Montagu MSS*, i, 1899, p.271.

In a further letter, probably written the following day, Manchester showed his concern with the general problem of administration when he asked his brother to let him know "the best way to quicken all the Justices of peace to put in execution of the laws".¹ In reply Montagu described the Northamptonshire system in which the J.P.s met every three weeks to investigate the work of subordinate officials.² Manchester approved the by-passing of quarter sessions and determined to introduce regular administrative meetings throughout England.³ He admitted the importance of the Northamptonshire example in a letter to his brother written after the Council had decided to issue the Book of Orders.

We are now sending out letters to the Sheriffs to publish those books amongst the Justices, to have them presently put in execution; I hope you see good fruit of them; that is the end, to quicken the Justices. You may have in practice many of them, for I took the conceit of it first from what you did. 4

By 5 January 1630/1, the Council must have decided on something more than the mere strengthening of poor law administration. Virtually the entire Council were nominated as poor law commissioners and enjoined to find means of furthering the "other public services for God, the King, and the Commonwealth" as well as the poor laws.⁵ The commissioners divided themselves into sub-committees, each of six or seven councillors, to examine the workings of one assize circuit. On 31 January 1630/1 the Book of Orders was issued, three hundred and fourteen copies, one to each county and corporate town in England and Wales.

The full title of the Book of Orders is a precursor of the scope and detail of the instructions which are included in it.

Orders and directions, together with a commission for the better administration of justice and more perfect information . . . how and by whom the lawes and statutes tending to the relief of the poor and . . . the reformation of disorders and disordered persons are executed. 6

When the Book of Orders is examined the influence of the Earl of Manchester is apparent, especially in the emphasis on the need to "quicken the justices" and enforce existing laws. The Book begins with a preamble which may be conveniently divided into four parts, the first stressing the existence of good laws for aiding the impotent poor, training youth, punishing vagrants and suppressing drunkenness, the second castigating negligent

1 *Ibid.*, p.271.

2 *Ibid.*, pp.271-2.

3 *Ibid.*, p.272.

4 *Ibid.*, p.273.

5 C.66/2535 Dorset no. 4.

6 Add.MS. 12496, pp.243-271.

justices, and the third stating that oversight of the enforcement of the "good laws" outlined in the first part of the preamble had been entrusted to the Commission of Privy Councillors, and the fourth requiring all county and borough officials to aid the Commissioners in their work. The Councillors were to report negligent J.P.s for dismissal from the commission of the peace and punishment by Star Chamber.

The main body of the Book laid out with stark clarity the new level of efficiency and accountability which was to be required of the justices. The eight orders detailed with the precision of a military manual the way in which the J.P.s were to operate. The basic principles were two, firstly, that the magistrates were to meet monthly in their hundreds to supervise the work of the high constables, petty constables, churchwardens and overseers of the poor, fine offenders and employ the fines to the relief of the poor, and, secondly, that they themselves were to return a certificate of what they had done at the monthly meetings to the sheriff every three months. He was to send it to the justices of assize who were ordered to supervise the J.P.s in the same way that they regulated the petty officials.

The eight orders were followed by twelve directions which laid out in great detail the matters which were to receive the justices' particular attention at the monthly meetings - the provision of work to prevent vagrancy, the keeping of courts leet, the apprenticing of youths, the enforcement of the statute of labourers, the payment of weekly poor relief by individual parishes or groups of parishes, the selection of petty constables from "the more able sort of parishioners", the oversight of petty constables by the high constables, the keeping of watch and ward, the punishment of tipplers, the building of houses of correction adjoining the common gaol, the enforcement of laws against allowing rogues to sleep in barns or outhouses, and the repair of the highways.

Considered individually, the various directions were in no way novel. All were injunctions to enforce existing laws, the "good laws" of the preamble. Even the orders establishing the machinery of accountability were not new in principle. As discussed above, J.P.s had at all times during the seventeenth century been responsible for supervising subordinate officials and their own work was subject to the oversight of the judges. At times of crisis, furthermore, orders had been issued establishing an administrative hierarchy similar to that enforced in 1631. Indeed, the Book of Orders bears many resemblances to the conciliar orders of 1605, the only early directive which approached it in system or scope.

Where the Book of Orders differed from previous administrative directives was in its inclusiveness, the minuteness of the directions, and most of all, perhaps, in the determination of the Council that the orders would be enforced, that their effect would not be allowed to lapse once the crisis was over, and that they would constitute a new framework for local administration. Scarcely one part of the Book of Orders was novel; considered together in principle and practical enforcement, the orders and directions constituted a significant but not revolutionary change in English local administration. They were the culmination of a long process of evolution towards more systematic administration in the counties and they were to provide the basis of local government until the great reforming legislation of the nineteenth century.

One further question remains to be answered. Did the Book of Orders establish a regular petty sessions with judicial as well as administrative functions? The question is not a simple one because it requires account to be taken of differences between seventeenth and twentieth century notions of what constituted a criminal misdemeanour. It is clear that the Book of Orders, like the conciliar order of 1605, directed J.P.s to exercise the powers conferred by the first part of their *assignavimus* in a particular way. Nowhere are they instructed or authorised to make use of those powers of criminal jurisdiction conferred by the second part and exercised at quarter sessions. Thus J.P.s were restricted to using the authority which already belonged to the single justice or to two or more magistrates meeting at a special sessions.

Nevertheless Barnes considers that the Book of Orders did establish regular petty sessions and states that by 1637, "petty sessions had become a court in the strictly judicial sense of the word".¹ However his contention is based, seemingly, on a single deposition to a tithingman who claimed that he was required to present "divers disorders" at petty "sesses", on the numerous referrals from Somerset quarter sessions after 1631 to "the justices of that division" rather than to named J.P.s, as had been customary before that date, and on the tendency during the 1630s for out of sessions work to be performed at monthly meetings.

His argument is not convincing. The "divers disorders" which the tithingman was to present could have been matters within the cognisance of an administrative statute and, if not, the persons may have been presented only so that they could be bound to good behaviour or to appear at quarter

¹ Barnes, *Somerset*, p.199. Barnes recognises that the referrals to monthly meetings do not in themselves support his case.

sessions. His evidence concerning referrals and out of sessions' work shows only that the monthly meetings were kept regularly and that each was an important administrative tribunal. Obviously justices found it convenient to perform as much necessary business as possible when they were assembled and had the aid of the subordinate officials.

Nevertheless, the system of regular meetings in which petty offenders were fined paved the way for the extended jurisdiction of the next century. As men of the seventeenth century did not normally make the same assumptions about the separation of powers as do men of the twentieth, the step, in the terminology of the latter, from administrative tribunal and disciplinary body to one able to hear and determine cases of petty theft and assault, was not as great then as it would be now. It is argued, however, that the petty sessions established under the Book of Orders did not, immediately or in the short term, assume any general powers of summary jurisdiction.

Information about petty sessions in Worcestershire is scarce, but some of the returns passed from the divisional justices to the sheriff have been preserved among the state papers. They show the J.P.s receiving certificates of poor children apprenticed, keeping records of the number of vagrants punished, and listing fines imposed for breaches of the licensing laws, absence from church and swearing. The tariff for the latter was one shilling an oath, the same as for absence from church, and it is probable that these fines had been imposed summarily by the constables, the justices' responsibility being merely to record them.

The primarily administrative nature of the meetings is emphasised by the statement in the return from the Limits of Worcester.

The officers of those pishes that apped nott att our monethly meetings wee have sent warrts against them for their appance att the next gen all Sessions to awnswere their Contempt.

The officers of the rest of the pishes of this Lymitt other then those before mentioned apped duly, butt prsented noe offences or any thinge materiall to bee Certified.

Wee have Caused wache by night & wardinge by daye to bee strictly observed and att evy monethly meetinge wee call for the Ministers bookes of the sev all pishes to shewe what Rogues have beene punished in the same pishes wthin the monethelast past. And yt appethe thereby that there have beene punished in our Lymitt & sent away wth passes accordinge to the statute wthin these 3 monethes last past 58 Rogues. 1

Similarly the Division of Pershore reported that sixty rogues had been punished, three apprentices bound, night watchmen and day wardmen paid,

1 S.P.16/194/63, III, f.3. Return of John Bucke and William Warmestry, undated but probably June 1631.

and the impotent poor provided for according to the statute.¹ Halfshire reported that thirty rogues had been punished as had been instructed in the Book of Orders and reported that the surprisingly high total of £15"18"4d owing in fines assessed on illegal alesellers, swearers, drunkards, those who had been absent from divine service, and carriers, butchers and drovers who had profaned the Sabbath.² Doddingtree sent a similar return and stated that the overseers of the poor were acting in such a way that quarter sessions were not troubled by petitions.³

It may be seen, then, that where fines were imposed they were for breaches of statutes which could have been punished by summary fine before the Book of Orders was issued. Once more the J.P.s were exercising only the powers conferred by the first part of the *assignavimus*. They seemed, furthermore, to be very ready to refer cases to quarter sessions - the constables who did not appear, the swearers against whose name no fine was set, probably because they refused to pay the fine assessed by the constable or to appear at the monthly meeting - and the inhabitants of Whistones were "Inioyned to prferre bills of Indictmt att the next Sessions against such as Receave Inmates into that Tythinge".⁴

Monthly meetings did not relieve justices from administrative duties at all other times. Just as quarter sessions could refer cases to named or divisional justices, so could monthly meetings. The return of the Limit of Worcester shows that an unlicensed alehouse keeper was to be brought by the constable before John Washbourne who was to report his decision to the next monthly meeting. He was also to hear the excuses of three men who had not attended church.⁵

By 1632 the particular problem of corn shortage which had initiated the move towards local government reform was over, but the Council was determined that reinvigorated administration should continue. In April the Council sharply reminded all sheriffs of the Book of Orders and claimed that slackness had crept in "as all Retournes againe to ye former course". The sheriffs were ordered to ensure that the J.P.s continued to enforce the binding of apprentices, the apprehending of vagrants and the provision of work for those in the Houses of Correction. They were themselves enjoined to make their return of divisional justices' certificates to the

1 S.P. 16/194/63, I. 14 June 1631.

2 S.P. 16/194/63, II. Undated but probably June 1631.

3 S.P. 16/194/63, III and IV. Probably June 1631.

4 S.P. 16/194/63, III, f.3. Whistones was a suburb of the city of Worcester noted for its large number of paupers.

5 *Ibid.*

judges of assize.¹

In fact the evidence for Worcestershire suggests that the regular return of certificates ceased after 1632, the letter of April having only a temporary effect. However the influence of local administration was much longer lived and can be traced even after the civil war. Monthly meetings became an established fact of county administration. There are numerous references to them in the Worcestershire quarter sessions' papers and these are casual remarks about an institution which was an accepted part of county government.² However it was necessary for J.P.s to continue exerting pressure on the subordinate officials as is shown by recognisances taken from constables to appear at sessions to answer for not attending monthly meetings.³

The Book of Orders inaugurated a prolonged period in which the constables were compelled to respond to detailed interrogatories and return their replies to quarter sessions. This was no new procedure, having been used in most years between 1604 and 1610, but it had been allowed to lapse. The Book of Orders resulted in its revival until 1638. A constable's presentment of April 1642 was obviously a response to interrogatories, but it was no more than an elaborate *omnia bene*.⁴ The trend towards shorter and more stereotyped responses was obvious after the initial flurry of pressure.

There is no doubt that in Worcestershire the Book of Orders succeeded in its object of "quickenning" the justices. The poor law, the highways, alesellers, and vagrants all recieved an unaccustomed measure of attention which, though it flagged slightly after 1635, continued until the outbreak of the civil war.

Paradoxically the least successful aspect of the J.P.s increased activities was meeting the immediate crisis. In April 1631 the Council was sharply critical of their handling of the grain shortage.

We cannot but greatly marvel that notwithstanding His Majesty's Proclamation the Book of Orders and the divers earnest letters of this Board the price of corne and other graine is risen so high and the same sold at truly excessive rates in many places neither can we conceive how this can be if the directions sent from hence had been duly executed.

5

The Worcestershire justices replied claiming that corn prices had fallen a

1 P.C.2/41, f.545. 30 April 1632.

2 W.Q.S.P., 1633 (198),lvii,59, p.517; 1633 (184),lix,126, p.515; 1636 (83),lxii,84, p.614; 1640 (170),lxxvi,13, p.688.

3 Ibid., 1636 (11),lxii,45, p.605; 1636 (13),lxii,47, p.606.

4 B.R.L.398344.

5 W.Q.S.P., 1631 (97),lvi,60, p.484.

shilling a bushell as the result of their efforts but they had to admit that in the Vale of Evesham there was no surplus in store and that the fall in price was connected with increased supplies in Herefordshire.¹

No great change seems to have taken place in the administration of the poor laws. Petitions for aid continued much as before and there is no evidence of an increase in the number of bastardy orders. On the other hand there are more presentments concerning the punishment of vagabonds, but as discussed above, this could have resulted from the greater pressure on constables to make returns rather than stricter enforcement of the vagrancy laws.

The most marked increase in activity was in the enforcement of highway repair. In 1633 and 1634 the J.P.s appear to have carried out a systematic inspection of all the roads in the county. Certainly the large number of presentments for failure to repair the highway and the considerable number of certificates that orders to remedy deficiencies have been obeyed show that this was one activity in which the Worcestershire justices were particularly "quickenened".

It seems, too, that the J.P.s may have exercised their judicial activities in a harsher fashion after 1631. As ordered, they built a House of Correction near the prison, and although this had been under construction since 1625 there seems to have been no haste until after 1631.² It is probable that the J.P.s committed rather more persons to prison to await trial than they had before 1631.³ Increased strictness over the use of bail was not mentioned in the Book of Orders, but the numerous petitions from prisoners wishing to be brought to trial suggest that the general tightening up of administration was reflected in criminal justice. This was certainly the case in Essex where there was a much greater willingness to pass the death sentence on petty thieves than there had been in the 1620s.⁴

Both the Worcestershire quarter sessions' papers and central government records show that the impact of the Book of Orders was primarily administrative. Pressure was put on J.P.s and, through them, on the parochial officials to enforce existing laws. The Book of Orders represented mainly a codification of existing practice. As far as Worcestershire was concerned, the regular monthly meetings were novel, but it is probable that in other counties besides Northamptonshire J.P.s had regular inter-

1 S.P. 16/193/42.

2 Townshend, "Notes", pp.99-100.

3 W.Q.S.P., p.xxiv.

4 Quintrell, *op.cit.*, p.86.

sessions' meetings. In any case the J.P.s of Worcestershire, like those of other counties, had been accustomed to meeting intermittently to carry out administration or hear actions referred from quarter sessions. Only the monthly regularity of the meetings was new.

It has been claimed that after 1631 the J.P.s were severely overburdened, and that no further administrative duties could have been placed on them without making the magistrates full time officials.¹ While the Worcestershire papers are admittedly incomplete, they do not support this contention. The 327 recognisances and orders signed by Sir John Bucke between 1626 and 1637 represent the greatest out of sessions activity of any J.P.² In other words the most active member of the commission was signing documents about thirty times a year, or slightly more often than once a fortnight. It is probable that a higher level of activity would have been revealed if the files were complete, but even if the number of documents were doubled or trebled the work involved would scarcely be an overwhelming burden. In any case the activity of most J.P.s was lower, many having signed only a handful of documents each year. In addition to their out of sessions' activities, J.P.s were expected to attend monthly meetings and quarter sessions and were obliged, under penalty, to be present at assizes. If a J.P. attended all of these it would represent twelve days work a year at monthly meetings, a maximum of twelve days at quarter sessions and four at the two assizes, a total of twenty-six days a year. In addition, the conscientious J.P. would be examining witnesses and persons accused of crimes at times other than those detailed above, he might have administrative duties delegated to him personally by quarter sessions or monthly meetings, or devolving on him because of his membership of special commissions, or as a representative of one of the courts at Westminster, hearing cases and taking depositions from witnesses. Certainly it was possible for a man of the magisterial class to be extremely busy, but it must be remembered that the average J.P. was much less active than it was theoretically possible. Most signed few documents and did not attend every meeting of quarter sessions. Most, too, would have employed clerks to do their routine clerical work, and the clerk of the peace and his staff saved the J.P.s a great deal of time at quarter sessions. The J.P.s were required to expend more energy after 1631, and it is true that their administrative duties had vastly increased in the seventeenth century

1 Barnes, *Somerset*, pp.200-201.

2 *W.Q.S.P.*, p.xxviii.

but these men came from a leisured class. It is unlikely that the burden of office was great enough to discourage any but the laziest gentleman from becoming a justice. Perhaps the reason for the slight reluctance to become J.P.s which Barnes noticed in Somerset during the late 1630s was a result of unwillingness to enforce unpopular royal policies.

There is no doubt that the Book of Orders produced a significant increase in administrative efficiency. It was the one aspect of Thorough and the Personal Rule which achieved a notable measure of success. To some extent the Book of Orders brought about a greater concentration of authority, more central direction, and stricter accountability, but it would be wrong to argue that it led to a significant shift in power from the counties to the central government. The changes in the structure of local administration had been effected by the Privy Council, and to that extent they represented an increase in the power of the central government over the counties. It is notable, however, that the Council extended to the whole country practices already current in at least one county. Initiative for nation-wide structural change came from the county level. The Council merely adopted practices which county J.P.s had adopted on their own initiative and used its authority to extend them to the whole country.

It is notable that the Book of Orders did not take away authority from the J.P.s. They were left with the same initiative and powers of coercion which they had before. It is doubtful if supervision of the details of their work was any stronger after 1631 than before. In many respects the power of the J.P.s had been increased for although their *de jure* authority had not changed, they were *de facto* exercising more powers than they had before. The Book of Orders was a structural device to ensure that the justices and the parochial officials exercised the authority they had long possessed but often neglected. It is also true that most aspects of the Book of Orders were acceptable to the magisterial class. There was no conflict between them and the Privy Council over the desirability of measures for poor relief or the suppression of vagrancy. In the early 1630s the justices were, for the most part, being ordered to do no more than what most of them recognised as their duty. At this point they were being required to work harder but they were not being ordered to act against the interests of their class, there were no political or constitutional issues at stake, and any financial implications of stricter administration were of marginal importance to the magisterial class. If J.P.s sometimes grumbled at the additional burdens imposed on them, if a few gentlemen felt that the burden of magisterial office outweighed the

prestige it conferred, if a minority opposed certain aspects of the Book of Orders, there could be no concerted opposition to stricter administration of a policy which most gentlemen accepted in principle.

It is possible that there was more antagonism towards the Book of Orders among the parochial officials. They were drawn from the class which suffered most from high poor rates, the officials themselves were obliged to undertake onerous duties which did not have any compensating advantage of prestige, and the closer supervision of the justices may have cost them a certain amount of initiative and discretion. However much of the programme must have met with their support - there were few objections from parish society at the enforcement of anti-vagrancy laws or at measures to reduce famine.

To impose the Book of Orders was, then, well within the limits of the central government's authority. The majority of the magisterial class agreed with its policies; the few dissenters could be suppressed easily. Negative attitudes towards militia administration and outright hostility toward ship money were to show that central authority had its limits.

IV

SHRIEVALTY

Once the highest officer in the county, the sheriff had lost much of his former power by the seventeenth century. The rise of the justices of the peace and the lord-lieutenants had shorn him of considerable authority. He was, nevertheless, still a very important official, drawn from the upper gentry of the county and retaining sufficient power and status to warrant a place in the triarchy of sheriffs, J.P.s and deputy-lieutenants.

The sheriff was still nominally the senior military official of the county and, though the lord-lieutenant had assumed *de facto* control over defence, and legal authority over many aspects of county government which had once been under the purview of the sheriff, only the latter had the right to call out the *posse comitatus* to suppress invasion or civil insurrection. Truncation of the sheriff's former judicial powers was more complete, though still not absolute. The sheriff had power to "Duely . . . keepe his Courts".¹ The first of his courts, the tourn, which had once been held twice a year in each hundred, had fallen into disuse in most of the country, partly because of the corruption of the deputy-sheriffs who presided over it, and partly because most of its powers had been assumed by quarter sessions.² The second, the county court, had once held extensive powers of civil jurisdiction, but by the seventeenth century the upper limitation of £2 on the value of damages or debt which could be heard there without the issuing of a writ of *justicies*, had driven most civil cases to Westminster or the *nisi prius* court at the assizes. Nevertheless, the court was still regularly held in Worcestershire. Depositions in a Star Chamber case refer matter of factly to the "next County Court day".³ The main role of the court was no longer judicial, but administrative and political. It was at the county court that those who had not attended court to defend a criminal or civil suit were summoned on pain of outlawry after three successive calls, and where outlawry was pronounced against those who persistently failed to respond. Theoretically the county court was a political assembly of all freeholders, and all decisions were taken collectively. In theory the judgements in the minor civil cases over which the court still had jurisdiction were arrived at by the independent conclusions of the assembled suitors and only registered by

1 Michael Dalton, *Officium Vicecomitum*, 1623, f.19.

2 *Ibid.*, f.157.

3 St.Ch.8/201/17.

the deputy-sheriff. In fact the county court became a political forum only when parliamentary elections were held and it was at such times that the sheriff regained a political importance which he had lost in most of his activities.

One function of the sheriff which still had some importance was that of collecting Royal revenues. They included the traditional farm of the county and the casual income from fines, amercements and other fees. It was out of money so received that the sheriff had to finance much of the work involved in another important aspect of his duties, acting as administrator for the courts. The sheriff and his deputies were responsible for meeting all the needs of the judges when they held the assizes twice a year. He had to provide for both body and soul, finding the judges food and housing, erecting the temporary structure in which the judges would open and close the proceedings and one of them try the criminal cases, and find a chaplain to read prayers and preach a sermon before the commencement of each assizes. The production of the criminals, witnesses and civil suitors was the responsibility of the sheriff and he had to call the jurors and other officials to attend the judges or the J.P.s at quarter sessions. He, or his staff, were responsible for executing judgement on the convicted. Production of prisoners for trial or execution in Worcester, or carriage from Worcester to other counties was a difficult, expensive, and sometimes dangerous business. The sheriff had to provide for the requirements of all judicial bodies meeting in the county, Commissions of Oyer and Terminer, Recusant Commissioners, Commissioners of Charitable Uses, Coroners, Escheator, and Commissioners of Sewers. Though in one sense these tasks were menial, a far cry from those performed by the sheriffs in the days of their medieval glory, it must be remembered that almost all was done by deputy, that it was the deputy-sheriff and his clerks, not the high sheriff himself, who were at the beck and call of gentry commissioners.

The sheriff was, then, almost exclusively an executive officer by the seventeenth century. How much this represented an eclipse in power and how much a mere sharing which still left him a significant official whose apparent power had been weakened more by the fact that there were now other stars in the firmament than by any absolute decline, is something which can be decided only by making a detailed examination of some of the functions outlined above.

In the first place, how far had the sheriff lost his military

authority? It is clear that the late sixteenth and seventeenth centuries saw the sheriff lose his unchallenged pre-eminence in this field. Firstly by having to share his power with J.P.s appointed as commissioners of musters, and later losing much of his authority to the lord-lieutenant and his deputies, the sheriff was clearly in decline as a military leader. Nevertheless the sheriff still had the power to control county forces engaged in putting down civil rebellion in 1605. When some of those who had rebelled at the time of the gunpowder plot attempted to fortify themselves in Holbeach House it was the sheriff of Worcestershire, Sir William Walshe, who was in command of the operations, who received and wrote virtually all the correspondence between the county and the Council, and it was the sheriff who financed the operations against Holbeach as well as the imprisonment, trial and execution of the prisoners. It is uncertain how Walshe raised the total of 250 men mobilised against the gunpowder plotters. The account for his expenses included a sum for sending out messengers to alert the forces, the preparation of armour and the purchasing of powder. This would indicate that the trained bands were not used, for if they were, it is unlikely that the sheriff would have been obliged to pay for the use of trained band stores and manpower when part of the justification for their existence was the suppression of internal disorder. It seems that Walshe had used the sheriff's ancient power to call out the *posse comitatus*, or at least that part of it which could be conveniently marched to Holbeach House before its fall. The reason for the apparent failure to call out the trained bands probably lies in their state of unpreparedness. Since 1600, and especially since the accession of James, peace and pacific intentions had led to regular military training being neglected for perfunctory inspection of arms and enrollment. It appears that in 1605 there were no trained bands ready to be mobilised to meet this emergency. It may be illuminating to quote extracts from the sheriff's accounts.

for messengers with p^rcepts to rayse the Countrey . . . Imprimus
messengers Chardges to the Constables for raysing the countrie iii^{li}
vis viiid. Item spent at the towne of Wiche for a hundred men &
horse on Thursday night xvi^{li} viiis. Item spent at Sturbridge
for the whole Company being two hundreth and ffiftie men on the
ffriday night after the service and before they were dismissed xliiii^{li}
xs. Item for the Sheriffe and Justices Chardges for examinacon of the
Prisons xxxi^{li} vis . . . Item for horses which by posting and other
service were killed and spoyled L^{li}. Item for Poulder and Shott x^{li}
xiis. Item to Henry Dowler Armorer for his workmanship in amending
the Armor and for losse of Armor viii^{li}. 1

The total cost of these operations was reimbursed to the sheriff by order of the Council made on 1 December 1605.¹

The suppression of the gunpowder plot must have been one of the last occasions upon which primary responsibility for the suppression of rebellion was assumed by the sheriff. In Norfolk in 1607 it was the deputy-lieutenants who were held to be at fault for failure to take prompt action against a peasant riot,² the Wiltshire agrarian disorders of 1631 were suppressed by the trained bands,³ and in Worcestershire it was the deputy-lieutenants who were rebuked by the Council for failure to suppress riots against the enclosure of the Forest of Feckenham in 1632.⁴ Though the calling out of the *posse comitatus* was one of the archaisms revived during the civil war, it is clear that the same rationale which had led to defence against invasion being entrusted to trained bands subject to the lord-lieutenant induced the government to rely on selected and trained men to put down any threat of internal disorder. In 1605 the temporary neglect of the trained bands led to a situation in which the sheriff, perhaps for the last time, effectively mobilised the power of the county to suppress rebellion. It is clear that the loss of power over the county's military forces and consequent loss of responsibility for internal security was an important diminution of the sheriff's status, one which made it less important that the Crown appoint men of the highest standing in the county community, magnates with unimpeachable loyalty not only to the Crown but to its policies. Without this development it is unthinkable that known papists, even if only Church papists, could have been appointed as sheriff.

One power which the sheriff continued to hold was that of influencing elections. In theory, of course, the sheriff was a mere agent, a sort of county clerk responsible for impartial supervision of the county court at which the freeholders of the county elected their representatives to the House of Commons. In fact the method of election allowed him considerable power to influence the outcome. In the first place he could decide who was allowed to vote. A considerable number of men were on the borderline between being forty shilling freeholders and those who were disenfranchised and it was the sheriff, with some assistance from the J.P.s, who was

1 E.368/521.

2 *Montagu Musters' Book*, (ed.) Joan Wake, Northamptonshire Record Society, 1935, i, pp.x.viii-xlix.

3 S.P.16/202/6.

4 P.C.2/41, pp.485, 507-9.

responsible for the compilation of a freeholders' book setting down those qualified for jury service and the right to vote. At the annual election the sheriff and his men could, if they chose, admit men who were not freeholders with very little chance that their offence would be discovered. On the other hand those with an undoubted right to vote, could, unless they were very prominent in the county, be denied access to the poll, and the sheriff could always claim that he regretted the error made by his subordinate. The time of election was fixed by the sheriff and he could arrange for those who were supporters of the side he favoured to be notified and others to be left in ignorance. Another device was to change the place of election at the last minute and thus exclude those unable to travel quickly, while those who had been forewarned would either be present at the new site in advance or have horses ready. The method of election, too, allowed the sheriff considerable discretion - the assembled freeholders signified their support of the various candidates by acclamation and the sheriff could declare a candidate elected simply on the strength of the number of voters shouting for him. If there was any doubt the sheriff was supposed to take a show of hands and count the votes.

In the election of 1605 the sheriff, Sir Thomas Russell, seems to have used almost all the devices available to a sheriff to influence the result in favour of Protestant candidates. The political situation is dealt with elsewhere but examination of the techniques used by the sheriff to ensure the election of the "official" candidates, and those used by the opposition in an effort to thwart them, provides an illuminating picture of unscrupulous electioneering in the early seventeenth century. The details are to be found in a Star Chamber case which arose ostensibly out of the unlawful seizure of some oxen and a minor land dispute. One of the participants in the original petty quarrel was incidentally charged with unlawful activities in the election held in February 1603/4.¹

Once it became apparent that there was a party of Catholics and Catholic sympathisers determined to contest the election, a group of Protestants headed by the Bishop entered into collusion with the sheriff to ensure that Protestant candidates were elected. Both parties were charged with attempting to enroll those who were not freeholders for the election, and unless all the deponents were lying, it is clear that both sides were unscrupulous about limitations on the franchise. There must

1 St.Ch.8/201/17; For the political situation, see Chapter VII.

have been considerable fear that the papists would be able to win the election for the sheriff apparently planned to hold it without warning except to his friends. The Catholic party suspected him of having such an intention and took the precaution of assembling their adherents at the county court day before the one on which the election was actually held¹ and, at least in Pershore, they had a plan to inform all the supporters of the Catholics' candidate, Sir Edmund Harewell, when to attend the election. According to Thomas Wade, a tanner of Pershore

the day before thelection of the knight of the pliament in the Interr menconed for the Countie of Worcester one John Poycke als Griser did move this dept beinge Clarke of the pishe St Crucis in the market towne of Pshore to ringe the Bells there about three of the Clocke in the morninge that the same election was, whereby the inhabitants of the said Towne might have notice to repaire to the Citie of Worcs^s to give theire voice for the ellectinge of Sir Edmund Harewell . . . whereunto this dpt being a ffreeholder of xxvis viiid by the yeare was laboured to give his voice for the said Sir Edmund Harewell.

2

Another deponent spoke of one of Sir John Acton's servants sounding a trumpet to summon "dyvers Papists wth manie others" who voted for Harewell.³ Having failed to prevent his opponents from knowing the time of the election, Sir Thomas Russell determined to stop them voting. The original bill of complaint charged him with having a large number of riotous supporters enter the Castle Green the night before the election and terrify the other party by burning fires and making a loud outcry. On the day of the election the Castle Green was surrounded by Russell's men and only those who knew a password were admitted. One Luke Chamle of Aldermaston, yeoman, claimed that Edward Bromley and others under him kept the gate of the Castle Green and had a watchword. When men wanted to get in they were asked the word "and then there was whisperinge betwene them and soe some were lett in and others were kepte forth".⁴ One of the fullest descriptions of the way entrance was controlled was given by Henry Cook of Shiltwood, a recusant gentleman. He gave evidence that he arrived in Worcester on the county court day only to find that the Castle Green was surrounded by armed men and that one Captain Bromley was allowing some freeholders in and keeping others out. Those who were known to be supporters of the candidates favoured by the sheriff were allowed to enter by a private path and

1 St.Ch.8/201/17, f.6.

2 *Ibid.*, f.13^v.

3 *Ibid.*, f.12^v.

4 *Ibid.*, f.6.

others were brought across the Severn in boats. However some Harewell supporters were able to get in.

this depon sawe Sir Edmond Harewell and divers other gentlemen with the helpe of their men to get over the hedge into the Castle hill adionienige (sic) to the Castle Yarde and further saieth that there were divers that had noe freehold pmitted to com by the Shrief in the said Castle Yarde to give their voices for Chusinge of such as the shrief named. 1

Once the supporters of Harewell and Pakington succeeded in entering the Castle Green their troubles were not over. One George French of Pershore, gentleman, claimed that he and several other freeholders managed to get in through a broken fence but that when they gave their votes by crying "A Harewell, A Harewell", "one John Oliver of Upton . . . answered and whie not a Bromley a Bromley and soe strooke this deponent into a deepe ditch thereby." Other supporters of Harewell were similarly treated. ² Despite the efforts to keep Harewell's supporters out and to intimidate them when they succeeded in getting past the guards, evidence was divided over whether the sheriff was justified in declaring Bromley and Ligon elected, John Daunce of Madresfield, gentleman, believing that Ligon won over Harewell by at least 100 voices, as did Richard Dickins of Halesowen, Sir William Walsh of Abberley and Sir Thoms Biggs of Lenchwicke. ³ On the other hand, Henry Cooke thought that Sir Edmund Harewell should have been declared elected and George French claimed that he would have had the majority if violence had not been directed against those who gave their voice to him. ⁴

It is clear, then, that Sir Thomas Russell was instrumental in securing the Parliamentary seats for the Protestant candidates who would have had the support of the Crown. Though the 1604 Parliament was more noted for its puritan than its papist pressures, it is apparent that in Worcestershire the Roman Catholics were still a greater threat to established religion and government than were the puritans. There is no evidence that this case was ever debated in Parliament. Presumably the aggrieved Catholic party knew that it would be hopeless to appeal to a Parliament dominated by puritans and government, Chancery and Parliament alike were bound to take an extremely unfavourable view of papists combining into a faction at a Parliamentary election.

1 St.Ch.8/201/17, ff.4-4^v.

2 *Ibid.*, ff.5-5^v.

3 *Ibid.*, ff.12-13^v.

4 *Ibid.*, ff.4-4^v.

There is evidence of an irregular election in 1609. In this instance the sheriff acted to further the candidacy of one who opposed government policy. At a time when the struggle against the jurisdiction of the Council of Wales was at its height, one of the leading opponents of the Council, Sir Samuel Sandys, was the sole candidate at the by-election occasioned by the death of Sir William Ligon. The President of Wales complained that no notice was given that the writ had been received and that there were only forty or fifty persons present at the county court, few of them freeholders. The high sheriff was not even present at the election, perhaps preferring to be absent when an act of dubious legality was perpetrated. One of the coroners objected to the suddenness of the election, complaining that no notice had been given in his part of the county, but as there was no other nomination, Sir Samuel Sandys was returned as knight of the shire.¹

There is no evidence suggesting that the sheriff exercised his powers to determine the outcome of any other Parliamentary election in Worcestershire until October 1640 when the less detailed information suggests that Daniel Dobbins had nothing to learn from his Jacobean predecessors. One of the unsuccessful candidates, Sir Thomas Lyttleton, a strong Royalist and future commissioner of array, charged that the sheriff had twice changed the place of election, had accepted written votes, contrary to seventeenth century electoral law, had refused to accept the votes of some freeholders who were committed to voting for Lyttleton, but had permitted women, boys, and those without any freehold to vote for his opponents. The sheriff had called for a poll after Lyttleton had clearly been elected by voice. Lyttleton's opponents denied these charges, claiming that his apparent victory on voices was a result of the election being held in too small a place which did not have room for all who intended to vote. The lack of space was used as justification for the change of local  . Nevertheless it is clear that the opposition candidates had the backing of the sheriff, a man who was to become a Parliamentarian in the civil war. In this case at least, the failure of the Crown to ensure that the shrievalty was held by a politically reliable county magnate contributed to the strength of the opposition in the Long Parliament.²

1 S.P.14/49/26.

2 M.F. Keeler, *The Long Parliament: A Biographical Study of its Members*, Philadelphia, 1954, pp.72-3; D'Ewes (N), pp.463, 440-442, 461-463, 481-482, 492; C.J.,ii, pp.62,75,105.

One important duty of the sheriff was to participate in the administration of justice. It is true that these duties were ministerial rather than judicial, that he was supervised in his performance of them and fined for defaults, but the sheriff and his officers continued to exercise a certain amount of real power when engaged on judicial business. This power was, however, strictly unofficial, and its exercise constituted a form of corruption, for it lay in the ability of the sheriff to pack juries and to return writs falsely.

The sheriff was responsible for summoning juries for the assizes, quarter sessions, the coroner's court and the many commissions which investigated and regulated seventeenth century life. In law all jurors were supposed to be freeholders and, as mentioned above, the sheriff was required to keep a book of freeholders from whom juries could be selected. Before each meeting of a court the sheriff instructed the bailiff of each hundred to return a panel of jurors to the court and to notify each member of the panel to attend. Not only could the sheriff and his officers take bribes to excuse men from onerous service but they could ensure that the jury panels available to the court were biased. Willcox reports a case where an entire jury panel was bribed, thus ensuring the acquittal of a prisoner charged with rape, despite the over-whelming weight of evidence against him.¹ There is no record of collusion to acquit in Worcester-shire but on one occasion the clerk of the peace ordered the under-sheriff to return the same grand jury as he had at the last quarter sessions.² There is no direct evidence to support contemporary charges of packing by the sheriff but the rapidity with which grand juries issued conflicting presentments in the sessions and assizes immediately prior to the outbreak of the civil war almost certainly indicates that men were selected for service according to their political opinions. In this case, it appears that it was the office of the sheriff which was responsible for the same sheriff was in power at the summer sessions and at the following assizes which reversed the pro-Parliamentarian presentments of quarter sessions. It is clear, though, that the individual sheriff had some power to influence local politics through his choice of grand jury panels.

It was also recognised that the sheriff or under-sheriff could aid recusants by calling those who sympathised with their religious opinions

1 Willcox, *op.cit.*, p.44.

2 *W.Q.S.P.*, 1633 (248), lviii, 74, p.527.

as jurors to serve under recusant commissioners. In June 1606 the Attorney-General prosecuted in Star Chamber Richard Jones, under-sheriff of Worcestershire, for hindering an inquisition into recusants' lands by enrolling as jurors those who were either "backward in religion" or tenants of the recusants being investigated and also by delaying the calling of jurors. In reply Jones claimed that the men selected as jurors were Protestants and substantial freeholders and denied that he had any knowledge of their being servants or tenants of recusants. Any delay in producing a jury was due to the inefficiency of his clerk, not to his desire to hinder the commission.¹ The other abuses with which Jones was charged perhaps add some weight to the contention that he was corrupt in this particular instance, and even though the outcome of this case is unknown, the way in which the charge was brought shows that the Council was well aware of the power of sheriffs and under-sheriffs to pack juries.

As principal officer of the county, it was the sheriff who met the judges of assize when they entered the county and made all the arrangements for their personal comfort as well as the conduct of judicial business. Though the sheriff's duties in the court of assize were purely ministerial, they did offer him opportunities to increase his prestige and perhaps influence the central government. The sheriff who was able to put on the grandest display and provide the most sumptuous meals impressed his neighbours with his wealth and importance while the many opportunities which the sheriff had to obtain the ear of the judges may have won him influence in the wider political world. It is worth noting that despite the many charges that sheriffs were spending extravagant sums and harming their estates in vain attempts to gain prestige by the provision of banquets at assizes, the numerous gifts of food left the sheriff only the expense of buying the incidentals. Thus competition was more limited and less expensive than has often been supposed.² Though the responsibility of the sheriff to forward to the judges certificates of the work undertaken out of sessions by the J.P.s, was a mark of his status, it was a function which gave him neither power nor discretion.

The sheriff was responsible for the production of prisoners in court, for the detention of those sentenced to imprisonment, the execution, whipping, setting in the stocks, or collection of fines when these punishments were imposed. On the whole the supervision of punishment left the sheriff

1 St.Ch.8/10/26.

2 W.D. Cooper, "The Expenses of the Judges of Assize Riding the Western and Oxford Circuits . . . 1596-1601", in *The Camden Miscellany*, iv, 1858.

little power, though occasionally sheriffs connived at delays in execution where they hoped that a condemned prisoner would be awarded a Royal reprieve. The conveying of prisoners from one part of the country to another was a serious and expensive responsibility of the sheriff. On the rare occasions when assizes or quarter sessions were held outside Worcester the sheriff had to face the considerable difficulties of transporting and guarding the prisoners. The largest operation of this sort was probably in 1638 when 45 prisoners were moved from the gaol at Worcester for trial at Evesham but similar removals involving a smaller number of prisoners were carried out in 1609 and 1637.¹

The major problem of conducting the entire gaol from Worcester to another centre occurred only occasionally. In virtually every year it was necessary to transport suspects for trial or condemned men for execution. The rationale for some of the moves is not entirely clear. It appears that in some cases persons who had committed a crime in another county were condemned at Worcester assizes and conveyed to their county of residence or place where the crime had been committed for execution, and, similarly, Worcestershire criminals convicted elsewhere were returned to be hanged. In other cases suspects were moved to the place of their alleged crime for trial. Occasionally the reason for removal is obvious. In 1609 one Charles Littleton, gentleman, was arrested in Worcester for the murder of the under-sheriff of Kent and conveyed to London for trial at King's Bench. In the same year a notorious horse stealer was conducted from Southwark to Worcester for trial.²

The removal of prisoners involved the sheriff in considerable expense. It appears to have been usual to employ four guards for each prisoner, at a cost ranging from 2/6 to 3/- per day for each guard, and to hire horses at a further 2/6 per day. Food and lodging for prisoner, guards and horses alike were paid for separately. As a result of slow transportation and the need to keep prisoners well guarded, the expense of conveying convicts and suspects to neighbouring counties could be high. In 1638 the carriage of two prisoners to Gloucester involved hiring four men at a cost of £1, hiring six horses for a further pound, and paying £1"1"0d for horse food and £1"2"6d for the meals of prisoners and guards.³ In 1640 it cost £6"8"6d to move prisoners including

1 E.368/649; /535; /645.

2 E.368/535.

3 E.368/649.

a notorious theefe who had the name to blowe open any locke and comitted twelve burglaries and broake three Prysons in vii weekes space) from Sturbridg where the Sheriffe of Staff delivered him . . . to the Gaol of Wigorn to receive his tryall. 1

He was later taken to Shrewsbury to be tried for further offences. These costs seem very high compared with removing four prisoners to London on a writ of *habeas corpus* in 1612, for which the charge was £8¹⁰.²

Sometimes the moving of prisoners involved the guards in special danger. In 1625 the sheriff claimed for

the removeing of John Rect and Richard Rixon from the Castle of Wigorn to the towne of Shrewsbury being neare forty miles who were first apprehended by the undersheriffe but not without much danger and great expences by reason of the despacon aswell of their wie disposicon as for the desperate case they then were in for this notorious Robberie. 3

In 1623 the transportation of one Henry Isham, a Catholic priest conducted to Serjeants' Inn on *habeas corpus*, required the hiring of six guards for there was

continuall dainger of haveing him rescued and taken from them for that yt was spoken by some of the freindes and acquaintance of the sayd Isham that twentie men should not remove him. 4

Undoubtedly the prisoners who presented the greatest potential risk were those who had rebelled at the time of the gunpowder plot. It is not surprising to find that it cost £70 to transport John Wynter and ten other plotters from London to Worcester in March 1605/6. The claim for expenses details the costs incurred by the under-sheriff and fifteen guards in the 200 mile return journey.⁵

While prisoners were under detention in Worcester it was the sheriff who held final responsibility for their safe-keeping. County prisons could be controlled in one of two ways, either they belonged to the King and were granted into the custody of the sheriff during his year of office, or they were granted by letters patent to a private person who held the office of gaoler for profit and was responsible to the sheriff only for the production of prisoners. There was considerable doubt about the status of the county gaol in Worcester and disputes between the county officials and the gaoler were endemic throughout the early seventeenth century. In 1612 the quarrel became so serious that the sheriff had to provide extra guards in default of the gaoler who threatened to release

1 E.368/656.
 2 E.368/547.
 3 E.368/598.
 4 E.368/594.
 5 E.368/525.

the prisoners until it was decided whether the gaol was held by a private person or by the sheriff. Houses and gardens were rented to act as a temporary prison. The outcome of this particular dispute is not known but an interim solution must have been found for there is no further reference to the county having to find an alternative to the traditional gaol.¹

The prison itself was situated on the Castle Green, next to the Cathedral. There was, in fact, no castle but

a peece of stonne buildinge called the Gaole wherein some of the Prisoners doe Lye beinge about 16 footes square havinge a dungeon and twoe roomes over the dungeon one above the other and a Little cock lofte in the same and a paire of woodden staires wthout the said stonne buildinge to goe upp into the said upper roomes.

The Green itself contained an area of about one and a quarter acres where the gaol and gaoler's house stood and was surrounded by ramparts of earth. Apparently the prisoners were permitted "to walk and ayre themselves" on the land within the ramparts, something which was regarded as a nuisance to those living in the gaoler's house.² It is surprising the commissioners did not comment on the condition of the building for three years later the sheriff claimed for £22"15"10d spent on repairing the gaol, which was stated to be in such a poor condition that the prisoners could not keep dry and there was danger of escapes.³ In 1633 the current gaoler supervised extensive repairs and rebuilding, the cost of which was borne by the county.⁴

The prisoners were divided into three groups, the debtors, who were supposed to be kept separate from the other prisoners and were not allowed to be put in irons, those who were in the gaol, and those committed to the house of correction. There is nothing to suggest that the gaol was for prisoners on remand and the house of correction for those who had been sentenced to a term of imprisonment, but by the mid-seventeenth century it is obvious that the house of correction was regarded as more fearsome than the ordinary gaol.⁵ The function of the house of correction had been changed from that of a harsh workhouse for vagrants and even the involuntary unemployed to that of an outright prison, and a prison in which the discipline was more severe than in the ordinary gaol. Perhaps being sentenced

1 E.368/547.

2 E.178/4772. Special Commission, 1613. Report of Bishop Henry Parry and Sir Henry Bromley.

3 E.368/563.

4 *W.Q.S.P.* 1633 (240),lviii,67,p.524.

5 *Ibid.*, 1615 (131),xxii,79,p.212. Petition to be released from the house of correction and returned to the ordinary gaol.

to the house of correction was the equivalent of a sentence to imprisonment with hard labour.

The lot of the prisoners was difficult. Although the exact nature of the tenure by which the gaoler held his post is uncertain it is clear that he had to pay a rent for the prison and to recoup his expenses and make a profit by exploitation of the prisoners. The gaoler was restricted by law in the fees he could take and in 1634 William Knight, gaoler of Worcester, informed the Commissioners of Fees that he took the permitted 2/6 per prisoner and no other fee.¹ The gaoler was entitled to detain in prison anyone who did not pay this fee. Unless Knight was lying the gaolers could have made their profit only by some form of extortion. The most obvious abuse was the supply of bread and beer at an excessive price. The county was rated to provide the prisoners with an allowance of 1d per day for their subsistence² but prisoners who had money of their own were able to pay the gaoler for a substantial measure of comfort. The gaoler set his own prices and in 1616 the prisoners accused Mrs Moore, who had apparently inherited the position from her deceased husband, with charging 33/- a hogshead for beer which had cost her 12/-. She also charged one prisoner 4d for lodging with another, although it was his own bed, and another 2d for a bedstead. She took a penny from every dozen loaves of bread and extorted money by imposing unwarranted fines. It is probable that these accusations were justified for the grand jury brought in a true bill for extortion against Mrs Moore.³ Though the prosecution of Mrs Moore reveals many abuses, it also shows that there was a limit to what even seventeenth century society was prepared to tolerate in prison administration.

Another misuse of the position of gaoler was that perpetrated by George Clark, who held the post from at least 1621 until 1633 or 1634. In 1633 he was accused of making one of the female prisoners pregnant and then sending her to the home of one of the other prisoners for the child to be born. When the vicar of the parish objected to this on the grounds the child would become a charge on the poor rates, Clark had another prisoner sign a bond to prevent the parish having to assume financial responsibility. When the inevitable demand for sustenance from the rates was made, the parish attempted to enforce the bond but found too late that

1 E.215/1130A. William Knight to Commissioners of Fees, 10 November 1634.

2 *W.Q.S.P.* 1599 (81),vi,19,p.22; 1600 (41),xl11,47,p.29; 1619 (300),xxvi,43,p.305; Townshend,i, p.16.

3 *W.Q.S.P.*, 1616 (90),xxv,14,p.225; 1616 (106),xxv,73,p.227.

the signatory was a man of straw and still in prison. In consequence the parish of Holy Cross in Pershore had supported the child for ten years at a cost of at least £24.¹

In the mid-1630s the county finally won its suit for custody of the prison and the gaoler no longer had to pay rent to the patentee. In consequence the grand jury for 1634 presented that in future the gaoler should be responsible for repairing the gaol and paying a salary to the prison chaplain.²

It is apparent that though the sheriff was nominally in charge of all prisoners, his responsibility did not extend to what went on inside the gaol. While the prison was rented from a private patentee the gaoler had almost complete freedom and when this freedom was abused to the point of open extortion, it was the J.P.s at quarter sessions, not the sheriff who were responsible for remedying the situation. Once more authority was exercised by members of the power elite of the county without regard to the specific position which they held.

As the principal executive officer in the county the sheriff was bound to execute all writs received from any of the King's courts.³ It was in the execution of these duties that the sheriff and his officers were most criticised. There are numerous references to sheriffs being fined for failure to issue writs correctly. Though these can be discovered in a number of Exchequer sources and occasionally in the State Papers, the fullest source is the King's Remembrancer's Memoranda Rolls, though in most cases the Repetory to these documents gives sufficient information to determine the amount of the fine and the general nature of the offence. Information about outlawries may also be obtained from these two classes of document.⁴ Few years passed in which the sheriff of Worcester was not fined for the false return of writs and the practice of fining sheriffs was so common that the Court of Wards kept a special book for recording the amounts imposed.⁵ The amount of the fine seemed to vary according to the exact nature of the offence and also changed according to the frequency with which the particular sheriff had offended. Fines ranged from £3"6"8d to £50 but those of £10 and £20 were most common.⁶

1 *W.Q.S.P.*, 1633 (227 & 228), lviii, 64 & 88, p.520.

2 *Ibid.*, 1634 (315), xxiv, 104, p.570.

3 Dalton, *op.cit.*, f.2.

4 E.159 and IND 17062-17071.

5 WARDS 9/233.

6 Numerous entries in IND 17062-17071. e.g. /17067, f.25^v, /17068, f.74; *Ibid.*, ff.92, 92^v, 230^v, 263, 283^v.

As will be discussed later, these fines did not affect the sheriff directly unless his under-sheriff defaulted and left a worthless bond, but the extent to which they were levied is a point which requires discussion. The false return of a writ was a common charge, one easy to make but more difficult to prove. When an informer or disappointed creditor charged the sheriff with falsely returning *non inventus est* (i.e. that the defendant was not in the county) or that he had no lands or goods which could be distrained (*nihil habet in mea balliva*), it was the practice to impose a fine on the testimony of the "trustworthy men" (*fidedigni*) who filed the complaint. The fine was not necessarily estreated, however, and Hartley has calculated that no more than 2-6% of fines imposed on sheriffs by the Court of Wards and the Exchequer were actually collected. Fines were cancelled if the sheriff was able to refute the evidence of the "trustworthy men", he could be exonerated by the payment of debts, especially those for which he was only technically responsible, such as the collection of subsidies, and smaller fines could be cancelled by general pardons. Where the sheriff or his officer had genuinely been at fault the fine was usually mitigated and in some cases sheriffs were permitted to compound where a number of fines had been imposed.¹ As was often the case in the seventeenth century, fines were imposed as a means of expressing displeasure or as an involuntary bond requiring the person fined to defend himself or rectify an omission. Only rarely were sheriff's fines genuine pecuniary punishments.

One of the most important ministerial duties of the sheriff was the collection of debts owed to the Crown. The details of the machinery by which money owed to the King was collected in the counties are extremely complicated and beyond the scope of this study. It is worth pointing out, however, that the sheriff had to collect two main categories of revenue, the farm of the county which was a fixed and traditional sum and a very minor source of income by the seventeenth century even when the increment upon the farm and the appropriately named "minute rents" were added to it, and the casual revenue, consisting of all other funds paid to the Crown. The origin of the customary revenues lay in the Middle Ages when they were rents paid to the Crown by those who held the King's manors and lands in the county. However many of these revenues had been granted away and the remainder had been fixed at sums which had become merely symbolic after the inflation of the sixteenth century. The customary revenues were paid by

1 T.E. Hartley, "The Sheriffs of the County of Kent, c.1580 - c.1625", London Ph.D. thesis, 1970, pp.278-82; IND 17067, f.16.

towns and hundreds. Another minor source of customary revenue was the money levied in commutation of the royal suit or *secta regalis* which all men above the age of twelve were supposed to do at the sheriff's tourn twice a year. These payments were usually made by manors. Fees relating to the transfer of land and to outlawry constituted another part of the customary revenues.

The main part of the money for which the sheriff had to account was found in the casual revenues. These can be divided into three main categories, firstly, the farms of manors and lands which were owed to the Crown but which did not constitute part of the farm of the county, secondly, debts to the Crown, and thirdly, green wax issues. The debts to the Crown included unpaid subsidy assessments, Star Chamber fines, entry fines of tenants in chief (i.e. livery assessed by the Court of Wards) and money owed by Crown officers. The green wax issues were sums due as fines imposed by Westminster and local courts and profits arising from lands seized to meet debts.¹

The extent to which responsibility for collecting royal Revenues brought real power to the sheriff is questionable. The routine part of the work was carried out by subordinates who took the real responsibility and made the profits. The sheriff was, however, the principal officer responsible for the collection of non-Parliamentary revenue. The collection of subsidies was something for which he had to account but in fact it was carried out by commissioners and collectors of subsidies; it was the even less popular task of raising taxes imposed by the King alone for which the sheriff was responsible. It is clear that the sheriff must have had a considerable amount of influence over the success of such money raising activities as aids and forced loans, though in every case the activity of assessing and collecting the money was shared with other lea-gentry, either named individuals or classes of official such as the deputy-lieutenants. The one exception to this shared responsibility was ship money, the tax which above all other non-Parliamentary revenue devices was to show the sheriff's incapacity to collect unpopular assessments.

As has been hinted above, the sheriff was dependent on his subordinates for the performance of many of the functions for which he was responsible. The most important of these was the under-sheriff, who had assumed the exercise of most duties which belonged to the shrievalty. Indeed it can be said that as far as the routine work of the office was concerned,

1 Hartley, *op.cit.*, pp.163-213; Dalton, *op.cit.*, ff.22-25.

the under-sheriff was functionally the sheriff. It was the under-sheriff who kept the tourn, who was responsible for the delivery of writs, for the return of juries and for the collection of debts due to the Crown. It was he who received the profits accruing from fees due to the sheriff and he who had to enter into bond to meet any fines or expenses which he might incur in the exercise of his functions. Though the high sheriff assumed direct police powers in cases of extreme emergency, it was his undersheriff who arranged for the routine transportation of prisoners and who might accompany particularly dangerous or politically important prisoners.

According to Dalton, under-sheriffs were "most commonly . . . persons of small worth and account".¹ This is probably an unduly harsh assessment of their quality. Most seem to have been common law attorneys and they were almost invariably described as 'gent.' The nature of their duties required considerable administrative ability, legal knowledge and ability to cast accounts. Dalton considered that an under-sheriff who was not a skilfull accountant would lose his just profits and be driven into extortion.²

In most counties the under-sheriffs seem to have been drawn from the same group of men. By law they could not serve more often than one year in three but one sees the same names crop up over and over again, a situation which led Barnes to write of the "establishment" which dominated the sheriff's office in Somerset,³ and Quintrell was able to demonstrate that the office was confined to a small group of families in Essex.⁴ In Worcestershire the situation was similar. Though the under-sheriffs were drawn from a social class below that for which geneological information is readily available, it appears that the office was passed around among a restricted circle of men and families, men with the same family names, and in some cases the same personal names, as other minor office holders. It is clear that by the seventeenth century there had emerged a group of middle class officials whose dependence on paid public employment foreshadowed the development of permanent county officials.

Though it is not possible to trace the more obscure officials working under the sheriff, enough evidence exists to show that the deputy-sheriff supervised a considerable staff. Each deputy-sheriff had an

1 Dalton, *op.cit.*, f.135^v.

2 *Ibid.*, f.185^v.

3 Barnes, *Somerset*, pp.138-9.

4 Quintrell, *op.cit.*, pp.94-5.

assistant, a man who in another year could be the deputy-sheriff when the three year rule reversed their roles.¹ In one Interregnum year the deputy under-sheriff appears to have been the under-sheriff in all but name. The under-sheriff entered into bond with the high sheriff to accept financial responsibility for fines and the deputy under-sheriff made a similar undertaking with the under-sheriff. One suspects that this arrangement was a device to circumvent the three year rule.²

Below the under-sheriff and his deputy were the clerk and the bailiffs errant. These were people too obscure to leave many personal records and they were regarded as the most corrupt part of the establishment. Most of the fines imposed on the sheriff were a response to some default on their part. By law the sheriff was supposed to have only one bailiff errant, and only one is ever listed in quarter sessions *nomina ministorum*, but references to extortion by bailiffs often cite two or more names. It is unlikely that the sheriff had fewer than four bailiffs in the county. The bailiffs errant must be clearly distinguished from the hundred bailiffs. Though they too were appointed for one year by the sheriff, except where the right to appoint in a particular hundred was held by a private individual, they were usually men of some substance, often yeomen but sometimes gentlemen and esquires. In Worcestershire the office of bailiff in two hundreds was held for a time by William Sandys, a county magnate, who exercised his functions by deputy.³ The hundred bailiff assisted the sheriff and had as his particular responsibility the summoning of jurors. As jury service was unpopular, it was a common charge that the hundred bailiffs took bribes to excuse from service those who were best fitted for it.

In addition to the under-sheriff and bailiffs, the sheriff had to appoint four deputies of replevin and an uncertain number of collectors of green wax. The deputies of replevin were responsible for the custody of all goods distrained for debt and the collectors of greenwax for receiving all fines, issues and amerciaments owing to the royal courts. They owed their name to the seal of green wax attached to the Exchequer warrants ordering the collection of these monies. These men came from the same pool of clerks and common law attornies who constituted the establishment. The sheriff also appointed attorneys to represent his interests in all the courts at Westminster but these were London attorneys, not drawn from

1 St.Ch.8/163/3; /10/26. Both include references to deputy under-sheriff.

2 Bodl.MS.Ch.Worcs. 206. Indentures made 10 January 1658/9.

3 W.R.O. 110/62/121, 1636; /79/26, 1641. Sandys was almost certainly a hundred bailiff in all years between these dates.

the same group as the officials in the county, and probably not engaged in full time county service.

The degree of corruption among under-sheriffs and bailiffs is difficult to assess. Dalton considered that corruption among deputy-sheriffs was so rife that the sheriff should appoint a member of his own household over whom he could maintain constant supervision¹ and Wilkinson wrote that sheriff's bailiffs grew so cunning by being constantly in office that they were able to deceive the King, the sheriff and the county.² He claimed that sheriff's bailiffs often took bribes to report that debtors were dead when "they are living, and very sufficient". Such dishonesty could be avoided only if the sheriff took care to appoint honest men and provided close supervision.³

Fines on sheriffs were often a response to the deficiencies of the bailiffs, though, as discussed above, the fact that a fine was imposed does not necessarily mean that a fault had been committed or that it was collected. In any case the imposition of a fine tells us little about the nature of the alleged offence. A fuller source of information about the deficiencies of deputy-sheriffs and bailiffs may be found in Star Chamber proceedings, though it is often difficult to assess the truth of charges against them and the decision of the Court is seldom known. In 1606 Richard Jones, under-sheriff of Worcester, was charged with packing a jury, demanding excessive fees, and failing to collect debts. In this case, however, the witnesses were unanimous in defending the under-sheriff against the Attorney-General's charges, something which adds weight to Jones's counter-charge that he was being persecuted by that very quarrelsome and litigious gentleman, Sir Samuel Sandys.⁴

Successive under-sheriffs were charged with extortion from both the plaintiff and the defendant in a law suit,⁵ another, together with his deputy and a J.P. with false arrest and collusive escape,⁶ a third with purchasing his office for £30 and extorting money by charging an unwarranted fee for collecting a debt and forcing the defendant to enter into an unfavourable bond in the under-sheriff's personal interest.⁷ On one occasion virtually the entire establishment was charged with conspiracy -

1 Dalton, *op.cit.*, f.10.

2 John Wilkinson, *A Treatise Concerning . . . Sheriffs*, 1618, f.30.

3 *Ibid.*, ff.37-37^v.

4 St.Ch.8/10/26. The alleged offence took place in 1605.

5 *Ibid.*, 8/28/9.

6 *Ibid.*, 8/184/11.

7 *Ibid.*, 8/302/15.

Thomas Chamberlayn, a former under-sheriff, Thomas Moore, deputy under-sheriff, William Croftes, current under-sheriff, William Blizzard and John Arundel, clerks in the sheriff's office, and several attorneys who may have been attached to the sheriff. In this case, however, the charges against the officers of the law appear to have been a device to bring an ordinary civil case within the cognisance of Star Chamber.¹

Charges of corruption were also brought at quarter sessions. In 1619 William Blizzard, described as yeoman, deputy-sheriff to Sir Samuel Sandys, was indicted for taking illegal fees.² This was one of the very few cases in which an under-sheriff was not described as "gent." In 1631 a sheriff's bailiff was tried for extortion at Worcestershire quarter sessions. He was said to have demanded 15/- for collecting a debt of £3 and damages of £2.³ The official fee for collecting debts was one shilling in the pound.⁴

On the other hand some of the difficulties and dangers faced by under-sheriffs and bailiffs are indicated by the charges brought by them against persons who resisted arrest. In 1615 the under-sheriff ordered two sheriff's bailiffs to arrest one Thomas Boylston of Bewdley on a *capias*. After they had done so a number of leading inhabitants of Bewdley

dyd then & there laye violent hands upon the aforesayd Sherryffs Baylieffes and, in ryotous terrible and unlawefull maner take from them the sayd warrant, and most contempuously tare it in peeces, and soe in ryotous maner and wth force and violence rescued the sayd Thomas Boylston. 5

In the same year a sheriff's bailiff sent with the sheriff's warrant to arrest a man for debt in Shipston on Stour claimed that he had been attacked by seven armed men who beat him and dragged him up and down the street

so as yor subject was black & blew . . . for att the lest two moneths after /and said/ . . . that they would make yor subject an example and would teach all bayliffes to be so bould as to arrest anie man in the said Towne of Shipston. 6

In the first of these cases of resistance to arrest it appears that there was a genuine jurisdictional conflict and that the Bewdley officials believed that they were resisting the unlawful intrusion of the sheriff's officer into their liberty. The defendants of Shipston denied violent

1 St.Ch.8/302/15.
 2 W.Q.S.P. 1619 (295), lxxii, 48, p.304.
 3 Ibid., 1631 (83), lxxxi, 47, p.482.
 4 St.Ch.8/273/11.
 5 Ibid., 8/57/10.
 6 Ibid., 8/311/6.

rescue but claimed that the bailiff had levied an unlawful arrest fee.

It was easy to claim belief in some legal justification for an action taken from spite or in the interests of personal gain but the tendency of seventeenth century courts to enforce the letter of the law did make the task of sheriff's officers more difficult. The frequent returns of *nihil habet in mea balliva* when the debtor was known to be prosperous were due in part to the risk taken by the bailiff if he seized goods which did not belong to the person whose goods had been distrained. Should he do so the sheriff would be civilly liable for trespass but the bailiff would have to assume personal responsibility for any criminal charges brought against him. Similarly the arrest of the wrong man, or even of the correct one on the basis of an incorrectly worded warrant, was a technical offence for which the bailiff was legally liable. The person who violently resisted arrest when there was some deficiency in the warrant or procedure was committing no crime and any action he took could be justified in self-defence. Little wonder that bailiffs so often returned writs of *capias* marked *non inventus est*. Yet it cannot be said that the system was responsible for all the abuses. It is certainly true that many under-sheriffs and bailiffs were corrupt. In an age not over sensitive to graft, these officials were notorious for their venality, a situation which uncertainty over legitimate fees as well as an undoubted modicum of bribery must have contributed. Like all seventeenth century officials, the sheriff's officers depended upon their fees to make a living, and legitimate fees were swollen by gratuities and presents as well as outright bribes.

It is obvious, then, that neither the legal system nor the calibre of the officials was conducive to the efficient administration of the sheriff's business. Usually this was not particularly serious, especially when placed in the context of other organs of government in the seventeenth century. Men were inured to delay and uncertainty in their dealings with the law and the government and there were means by which the more blatant cases of corruption could be remedied or punished. In 1635, however, a new burden was to be placed on the shrievalty, a burden which King and Council were determined to see borne even when the people became increasingly ready to resist. When faced with the need to collect ship money the sheriff's officials had neither the administrative skill nor the power to enforce the collection of such a strongly resented tax. Used to collecting debts for a lax Exchequer and private debtors whose patience

was fortified by the knowledge that law suits dragged on for years, accustomed to escaping some obligations by perjury and others by passing them on to their successors, the under-sheriffs were as unready as their masters to collect a tax which was expected to be paid in full and on time. Equipped to meet neither the administrative difficulties nor the political resistance to ship money, the machinery of local government headed by the sheriff was to break down under the strain.

To what extent, then, is it true that the office of sheriff had so declined that it could be termed a "Tudor demolition", a position of nominal authority which could confer no possible benefit on the holder.¹ Though the shrievalty had undoubtedly declined from its medieval pre-eminence, such a view goes too far in dismissing its importance. The sheriff had lost certain powers altogether, he had to share some which had once been his alone, and his authority was certainly restricted by his subordinates as well as his social equals, but the shrievalty was still an office which could be of crucial importance, and one which an ambitious gentleman might covet.

Though many gentlemen were averse to being pricked as sheriff, others felt that it was an honour and a source of power. The attitude of the government varied. In the late 1620s the power of the office was rated so low that the government had men it wished excluded from Parliament appointed as sheriffs. On the other hand it ordered judges to pay particular attention to the selection of suitable candidates during the ship money years. Clearly the importance of the office to the Crown and its desirability to an individual gentlemen depended upon particular circumstances.

There are two separate but related issues; how much power did the sheriff have to forward or thwart government policies, and to what extent could appointment as sheriff enable an individual gentleman to further his own interests? If the political situation was calm the personality of the sheriff was of little importance to the government for he and his subordinates would perform their routine functions in a way which could have no important consequences for national policy. At most the energy of the sheriff might make some difference to the speed with which revenue was collected. In a crisis the calibre of the sheriff became much more important; it was essential that he would not consciously thwart government policy and for him to have the prestige and power in the county to

1 Barnes, *Somerset*, p.125.

enforce it. Had Roman Catholic sheriffs been in office at the time of the Gunpowder Plot it is possible that it would not have been suppressed as easily. A pro-Catholic sheriff could have ensured the election of Harewell and Packington in the 1604 election. Perhaps it was at elections that the sheriff had the greatest power for he was the sole judge of the result. Though unlawful actions by the sheriff were often cited in appeals following disputed elections, it was rare for the Commons to reverse a sheriff's declaration even when there was evidence of undue influence.

For the sheriff himself the office could be desirable if he were a newcomer determined to make his mark in county society or if he wished to influence factional politics. It is obvious that the shrievalty could be seen as a mark of acceptance into the magisterial class and the sheriff's responsibilities at assizes provided an opportunity for ostentatious display of wealth which would impress the countrymen and perhaps raise his status with his peers. As far as politics was concerned, perhaps the greatest value in being sheriff was that no one else could be during that year. The influence of the office was denied to one's opponents. There were positive advantages too. Clearly the sheriff could influence elections in the interests of candidates he personally favoured as well as those supported by the Crown, and in 1640 the sheriff of Worcestershire used his authority over the conduct of the election to see that opponents of the court were returned. The many tax and debt collecting activities of the sheriff's staff left the sheriff with some room for partiality as did his ability to select jury panels. Perhaps less importantly considering the limited range of choice, the shrievalty provided an opportunity for patronage to many offices of profit within the county.

Despite the limitations on the sheriff, he was still an important figure in county government. His authority was shared with the J.P.s and deputy-lieutenants and restricted by his subordinates but he still had considerable powers both to enforce his own wishes and to thwart those of others. Though much of the sheriff's nominal authority was over routine matters for which he had responsibility but no direct control, his influence over both administration and politics was extensive, for he could control events not only by unwillingness to act, but by taking positive decisions. The considerable powers of initiative and coercion possessed by the sheriff left him one of the most important men in the county. Though less powerful than the J.P.s and the deputy-lieutenants considered collectively, the sheriff had more influence than any one of them. The sheriff was still the principal individual officer of the shire.

THE TRAINED BANDS AND MILITARY GOVERNMENT

Control of the militia was the issue over which negotiations between King and Parliament were to deadlock and lead to civil war yet this was by no means the first time that military government had been an issue between King and People. Disagreement over the necessity of military service, the method of financing it and the system of control were a perennial source of conflict and their constitutional implications included the relationship of King and Parliament, central and local government as well as the powers of local governors over individual citizens. The examination of military government throws much light on the nature of seventeenth century society, on attitudes, administrative capabilities and the constraints on the power of central government. It is proposed to study here the system of military government, its relationship with the civil authorities, the nature, composition, training and effectiveness of the trained bands, the financing of military activities, local opposition, the relationship between governmental policy and military activities in the counties and the mobilisation of the trained bands to fight the two Bishops' Wars.

Seventeenth century England had no standing army. Expeditionary forces were filled by volunteers and pressed men whenever there was need to send troops abroad and the responsibility for home defence lay with the militia. The militia was the lineal descendent of the Anglo-Saxon *fyrð* and the medieval *posse comitatus* which could be called out by the sheriff for the defence of the realm and in which all able-bodied men aged between sixteen and sixty were obliged to serve. Attempts to strengthen defence had been made by the Assize of Arms in 1181, and the Statute of Winchester in 1285, together with its re-enactments, placed men under a legal obligation to keep arms according to their wealth. The Statute of Winchester was confirmed as late as 1511 but repealed in 1558 when the Act 4 and 5 Philip and Mary divided the nation into ten income groups and established an elaborate system of military obligations which related to wealth. A further Marian act clarified the obligation to attend musters by making failure to attend with arms and armour punishable by a fine of £2 or ten days' imprisonment.¹

1 L. Boynton, *The Elizabethan Militia*, 1967, pp.7-10.

The pristine simplicity of this system for calling out the power of the county had been modified by Edward I who had issued commissions of array to trusted noblemen who were to supervise the sheriff and his calling out of the local forces. It was not until the sixteenth century, however, that the machinery of control by lord-lieutenants and their deputies began to take shape. The first commissions of lieutenancy were issued in 1549 as a response to internal disorder and more were sent out by Mary at the time of Wyatt's rebellion. However control of the militia by lord-lieutenants was still not an established custom for in some emergencies the sheriffs and selected J.P.s were ordered to perform the same work as lieutenants were doing elsewhere.¹

Under Elizabeth the lieutenancy system took shape. The office of lord-lieutenant was confirmed by Statute 1 Elizabeth c.16 and lord-lieutenants were granted commissions over counties and all towns and liberties within them, authorised to enforce martial law, required to appoint a muster master to exercise the able men and trained bands and a provost-marshal to suppress vagrants. However lord-lieutenants were appointed to meet particular emergencies and were granted commissions of limited duration. Many were privy councillors and could not remain indefinitely in the counties. Furthermore some lieutenants were responsible for several counties while other counties had more than one lieutenant. It is probable that Elizabeth's fear of granting too much power to any single individual prevented her from establishing a permanent system of lieutenancy and she often preferred to join the sheriff and leading J.P.s as muster commissioners rather than appoint a lord-lieutenant.

Thomson wrote that under Elizabeth

The organisation of the levies was frequently entrusted, as under Mary, to the Sheriffs and Justices of the Peace, acting as Commissioners of Musters. Lieutenants could be made useful to the Crown but it was intended to use them strictly according to its own pleasure. Its pleasure was that they should be appointed only for times of emergency.

2

It is clear, however, that when a lord-lieutenant was appointed he was intended to be an intermediary between council and county.

1 G.Scott Thomson, *Lords-Lieutenants in the Sixteenth Century*, 1923, p.44.

2 *Ibid.*, p.45.

Under Elizabeth most lord-lieutenants were privy councillors with strong links in the county under their jurisdiction. The Stuarts, however, often appointed men who had little connection with the county and lord-lieutenants were frequently figureheads, or at least no more than distant supervisors, rather than the active local councillors envisaged by Elizabeth.

Military government in Worcestershire is inextricably interwoven with the jurisdiction of the Council of Wales. The President had automatically held the lord-lieutenancy of the twelve Welsh counties from the time the first commissions were issued and his military authority had spread to the Marches by 1587 when Worcestershire, Shropshire, and Herefordshire were included in his lieutenancy. His authority was restricted from 1602 to 1630 when Glamorgan and Monmouth had separate commissions. Bund claimed that the Lord President held the lieutenancy of Worcestershire at all times after 1543 but Thomson has shown that in 1569 both Shropshire and Worcestershire had lieutenants other than the President of the Council of Wales.¹ However, in the years from 1603 to the civil war, the President of Wales was always lord-lieutenant of Worcestershire.²

It appears that the President of Wales was far more than a figure-head military leader. He was, of course, responsible for the city as the county of Worcester, even after the former obtained county town status in 1621, and Lord Eure visited the city to inspect the musters in 1615.³ All Privy Council orders concerning musters and trained bands in the counties under his jurisdiction were sent to the President of Wales and there is no mention of copies being sent direct to the deputy-lieutenants except on occasions when they were joined by the sheriff and J.P.s in military administration. Thus military government in Wales and the Marches was firmly held by one man. After 1625 the authority to appoint and dismiss his own deputy-lieutenants must have been a considerable increase in power.

During the presidency of the Earl of Northampton (1617-30), the region had a particularly conscientious military leader. The author of the important pamphlet of 1619 from which the Council militia orders

1 Thomson, *op.cit.*, p.56.

2 J.C. Sainty, *Lieutenants of Counties, 1585-1642*, 1970, p.8.

3 W.C.O.B., f.49, 28 September 1615.

of 1623 were derived wrote that he travelled around the counties of Wales and the Marches and

The military men being assembled together, it pleased his Lordship to take great paines in ordering, directing and exercising both Horse and Foote, where his Lordship apprehending debilitie and error to be committed amongst them his Lordship giveth the Captaines a streight charge, by no meanes not to neglect their exercise of training under paine etc. ¹

Anonymous advice to the Privy Council written about 1625 confirmed this account of Northampton's leadership, reporting that he had "both in the institution of proper and fitt men to exercise his Militia in some parts, and in care of provision of good Armes, at equall and easy rates, hath given a very noble and commendable example".²

The continuing intention that the President of Wales should be a real rather than a figure-head lord-lieutenant is shown not only by the fact that all military correspondence was directed to him but by letters authorising him to punish personally all refractory persons at musters except those whose offence was serious enough to warrant the attention of King and Council, so as to avoid the trouble and expense of sending them up to London.³ On another occasion the Council wrote to the Earl of Bridgewater desiring his residence in Wales during the summer vacation

when ye business of ye Musters is lykely to be in agitacon & that ther may be occacon of suddaine or speedie punishmt or correccion of some refractory psons . . . his matie well knowes yor authoritie in the places of yor Lieutenancy, to punish offenders in matter of Musters, upon the place, soe his matie declares his good lykeing. ⁴

Despite the constant involvement of the President of Wales in his capacity of Lord Lieutenant, most of the lieutenancy work was carried out by the deputy-lieutenants, and occasionally, by other county officials. Unfortunately no lieutenancy order books are known to survive for Worcestershire, but it is possible to reconstruct activities of the deputy-lieutenants from national sources and scattered references in the local record offices. Unfortunately there is not enough evidence to reveal factional squabbles among the deputy-lieutenants or the details of mustering.

It is not clear exactly when the office of deputy-lieutenant came

1 Edward Davies, *The Art of War and England's Traynings*, 1619, f.4.

2 S.P.16/13/43, II, f.3.

3 P.C.2/50, p.292.

4 P.C.2/48, p.121. Though the lieutenants had power to punish offenders at musters it was sometimes thought preferable to prosecute them in the civil courts.

into existence. The first mention of authority to appoint substitutes was in 1558 when the master of the horse was empowered to nominate deputies and some may have been appointed in 1559. By 1569, however, the deputy-lieutenant was a regular part of the military government of most counties. At the end of Elizabeth's reign, though, there were still eight counties which had never had deputies. In some cases deputy-lieutenants were appointed by the Crown, in others by the lord-lieutenant. In either case the deputies' commission terminated with that of the lord-lieutenant which had, moreover, to be renewed when new deputy-lieutenants were appointed. By the 1610s deputy-lieutenants were usually appointed on the nomination of the Lord Lieutenant but the nomination had to be confirmed by at least six members of the Privy Council.¹ At first counties generally had two deputy-lieutenants, but towards the end of Elizabeth's reign the number was related in part to the size of the county but more especially to the needs of the lord-lieutenant and the political and social requirements of the county.

Deputy-lieutenants were responsible for the organisation of the militia, impressing troops for expeditionary forces, assisting in the recruitment of volunteers for foreign service, the confiscation of recusants' arms, the appointment of a muster master and provost marshal, the levying of coat and conduct money, the assessment of rates to support the trained bands, the organisation of billeting of troops, the preparation and maintenance of beacons, and, at least in time of war, keeping the trained bands in a state of battle readiness. Apart from their obvious responsibility for military affairs in the county, Elizabethan lieutenants had special responsibility for vagrants and regulating the price of food.² Under the Stuarts they had, in addition, responsibility for collecting certain loans and co-operating with the sheriff and other J.P.s in the suppression of riots. Indeed, the deputy-lieutenants often acted as a select group with special responsibility for performing duties which attached to all J.P.s.

As was usual in seventeenth century England, there was considerable overlapping of jurisdiction between different authorities. Not only were deputy-lieutenants responsible for certain aspects of civil administration but the sheriff and J.P.s were occasionally empowered to act in a military

1 A.P.C., 1613-14, p.404.

2 Thomson, *op.cit.*, p.80.

capacity. Intervention of the other county governors in military matters was not common, but on one occasion in 1628 the Council ordered the sheriff and J.P.s, and Lord Windsor and the J.P.s, to put the county in a posture of defence owing to a threatened invasion.¹ If the trained bands and the lieutenants were drawn out of the county in an emergency, residual military power devolved on the sheriff who was then to exercise his ancient right to call out the *posse comitatus* in time of need.²

While the intervention of the sheriff and J.P.s in military matters was exceptional, the participation of the constables was essential. They played a part in the summoning of men to musters, sometimes accompanying them to the rendezvous. They were responsible for the storing of trained band weapons, the maintenance of beacons, the collection of military rates and the levying of conscripts.³ Though they were often a weak link in the chain of command, they were essential to the functioning of local military government. At a rather different level, the judges of assize also had a part to play. They were responsible for disseminating the Government's policies by their speeches at the assize and it was frequently their duty to punish those upon whom it might have been more appropriate to have exercised military law. Though special commissions of oyer and terminer were often issued to try military offenders, it seems to have been more common to bind them over to appear at the assizes. The judges were on one occasion ordered to take action against a Worcestershire man who was opposing the office of muster-master,⁴ and in this instance the offence was properly assigned to the jurisdiction of civil courts since the country was not in a state of martial law. In 1640, though, the troops who murdered their lieutenant in Berkshire were tried at the Abingdon assizes, not under military law,⁵ and the same judge that tried them was attempting to persuade and coerce civilians into accepting the legality of impressment and military taxation. Soldier and civilian alike were subjected to the same authority, but the authority was that of the civil judge.

Except on the occasions when they were pressing or billeting men of expeditionary forces, the most important duty of the deputy-lieutenants was to organise the trained bands. One consequence of the military

1 S.P.16/93/11 and /11.I, both dated 12 February 1627/8.

2 Hartley, *op.cit.*, p.290, gives examples of sheriff being left in charge of the defence of Kent.

3 W.R.O. 880.93: 1054/2, D.1, 5, 7, 9a, and unnumbered loose sheets. Accounts of the constable of Salwarpe. In 1629 he took four men to musters, issued ammunition, repaired a musket, collected money for the muster master's pension, and paid travelling soldiers. W.R.O. 882.93: 5660(3) Accounts of the parish of Stone; W.R.O. 833.1: 4924 Accounts of parish of Eastham.

4 A.P.C., 1615-16, p.265.

5 S.P.16/461/13.

revolution of the sixteenth century was that the ideal of every man being a potential soldier had to be dropped in favour of selective service. The greater professionalism, the more expensive weapons, and the need to train musketeers in place of archers, made quite outmoded any plan of defence based on the assumption that masses of untrained men with primitive weapons could fall on an invading force and destroy it in pell-mell fighting. Consequently the principle of selecting men for trained bands was introduced in 1573 and, with very few exceptions, adhered to thereafter.¹

In theory at least, the system of defence established by the trained bands was highly efficient. Throughout the country trained men were to be available, organised into companies of horse and foot and ready to be summoned at an hour's warning to meet foreign invasion or civil insurrection. A complicated system of beacons was to be maintained so that troops could be called from surrounding counties at short notice. Rarely, if ever, did the system operate in the way it was intended to; not only was training below expectations but it was difficult to maintain and watch beacons when there was no obvious emergency. Beacons were both expensive and demanding in manpower. A beacon consisted of a pile of logs topped with a pan containing pitch and rosin with a fuse of tow to light it. Maintenance required the services of a smith and a carpenter at an approximate cost of £3 - £5 a year. Watching the beacons was a most onerous chore. A group of villages was assigned to provide the watch on a particular beacon and each petty constable was responsible for selecting four men who were not in the trained bands and conducting them to the beacon in the afternoon their duty commenced and providing them with wood and candles for the night. They remained on duty for twenty-four hours and were relieved by men from another parish.² Needless to say, this duty was generally unpopular and usually neglected. There are few references to beacons in Worcestershire but in 1635 the deputy-lieutenants, acting on orders from the Council, instructed the high constables to see that petty constables had the beacons repaired. Consequently the high constable of Doddingtree wrote to Richard Hunt, constable of the town of Estham ordering him

forthwith upon receipt hereof that you Collect and gather within your towne of Oyer the sume of xis iid that we may cause the Beacon within our limit and Hundred of Doddingtree to be made up

1 Boynton, *op.cit.*, pp.5-12.

2 Willcox, *op.cit.*, pp.78-9.

and repaired with all other pvision fit for the sayd Beacon . . .
and that we cause the Beacon to be watched by discreet and sufficient men when it is set in good order and repaier. 1

It is obvious from the letter that beacon maintenance and watching had been neglected and that it was a re-institution, not a continuation which was being ordered.

Especially because the trained bands were considered to be a protection against internal rebellion as well as foreign invasion, the members were ideally bourgeois, yeomen and small businessmen rather than mere servants. Typical of the many letters of advice concerning the trained bands was one which stated that

There is no oposicon of forraigne attempts but by soldiers, equally armd, and ordered: so, in this poynt arming is safety. For inward tumults they must growe from psons discontented in Religion: or otherwise, or men of decayed estates, loose & idle persons, or the needy multitude of poore handicraftsmen and cottingers, in years of necessity. There are none of these sorts intended to be Armed But the freeholder, an able man of living, who hath interest in peace of the State. 2

In addition to the security aspect, freeholders were preferred because they could pay for their own arms, were less liable to move from the district and so waste their training, and were considered to make better soldiers. In fact it was not possible to raise the trained bands entirely from the desired classes and the deputy-lieutenants often used the excuse that men had moved to new employment in other counties when the trained band companies were not full, something which led the government to restrict the mobility of trained bandsmen, who were to be allowed to move only with the consent of the deputy-lieutenants.³ By no means all members of the trained bands were able to provide their own armour and weapons.

The most elite component of the militia was the horse. Not only was the effective use of cavalry extremely important in seventeenth century battles, but horses and cavalry equipment were expensive. Consequently the provision of horse and man was the responsibility of the gentry and larger freeholders and traditional obligations seemed to attach to certain estates. The association between the provision of horse and gentle status is so strong that some genealogists regard inclusion on a list of those who were to find man and horse as proof of gentility.

1 B.R.L., 398264. Precept dated 4 July 1635.

2 S.P.16/13/43.

3 P.C.2/44, pp.536-8, Privy Council to lord-lieutenants, 24 April 1635.

Obligations varied according to the size of the estate, large estates having to find several horses, while small ones might have to contribute only part of the cost of a single horse. The traditional nature of these obligations is shown by the fact that the number of horse is the least changing factor in the Worcester military establishment.

The trained band officers were, of course, drawn mainly from the topmost stratum of county society. The senior officers listed in both 1591 and 1642 were members of leading county families, though some were younger sons. Some of the officers may have been men with professional experience.

The size of the Worcestershire trained bands can be determined only at fairly widely separated intervals so it is difficult to say exactly when changes in numbers or types of arms were made. A return for 1591 shows that the county mustered 900 trained men divided into 280 corslets, 320 shot, 100 archers, 100 pioneers, 20 lances and 80 light horses. Thus of the combatant units 600 were footmen and 100 mounted. Mounted infantry, a feature of militia units in many other counties, were not found in Worcestershire. It should be noted, however, that the returns, showing the county mustering in four divisions, 200 men to a division, each armed according to regulations, probably reflected the ideal rather than the actual. Even in the immediate post-Armada period of greatest efficiency in the trained bands, it is unlikely that the Worcestershire companies were ever as well manned or armed in the field as they were on paper.¹

Returns compiled sometime between 1605 and 1614 show so much larger figures that they cannot have been produced on the same basis. 5,600 able men were listed, 2,500 armed men, 230 pioneers, 20 demi-lances and 85 "high horses". As the period during which these figures were compiled was not nationally one in which the militia was active, it is almost certain that these figures refer to troops in the reserve rather than actually training. Presumably the able men were just what their name implied, those reputed to be physically fit but neither armed nor trained. The armed men, pioneers and cavalry must have included both the first reserve of men who, during periods of military activity had merely to show their arms rather than train, as well as those nominally

1 Bodl. MS. Tanner 121, ff.155^v-156. It is likely that these figures refer only to the active units and exclude all reserves.

under military instruction.¹

Trained band returns for February 1637/8 show a strength very similar to those for 1591, 491 musketeers, 309 corsleteers, and 70 horsemen. In this period when Charles was striving to produce his "perfect militia" the troops listed would have been in training.² A list of Worcestershire trained band companies recorded by Henry Townshend on the outbreak of the civil war does not give numbers but shows a system of company organisation and supply depots which corresponds with that of 1591.³

The early seventeenth century was a period in which weapons developed rapidly and some evidence of this change can be found in Worcestershire. In 1591 the foot were divided into four different groups, the pikemen, the billmen, the shot, and the bowmen. The pikemen and billmen were often grouped together as corsleteers, from the corslet or armoured jacket which both wore. In addition each had the morion or visorless helmet and carried a sword and dagger. It was in their main arm that they differed, the pikeman carrying a long pike, 16 to 18 feet long tipped with a Dutch head, the billman a halberd or long handled battle axe. In the 1590s the bill was going out of favour and was regarded as a weapon suitable only for pursuit after the ranks of the enemy had been broken. Nevertheless the Council ordered foot companies to have ten billmen to every thirty pikes in 1589, though their conversion to pikemen was government policy after 1595.⁴ In 1591 Worcestershire had gone further towards the elimination of billmen than was warranted by the directive of 1589, having only half the proportion which was still allowed. Pikemen were to remain an important component of infantry regiments until the invention of the bayonet which provided musketeers with defence against cavalry after they had fired their slow loading weapon.

As far as projectile weapons are concerned, the gradual replacement of the bow by firearms may be seen. In 1591 Worcestershire still had one archer for every three soldiers armed with guns, though after 1589 archers were no longer regarded as front line soldiers by the Council, and their conversion to firearms was ordered in 1595. Archers probably

1 Add. MS. 47713, ff.32-3.

2 S.P.16/381/66.

3 Townshend, ii, p.69.

4 C.G. Cruickshank, *Elizabeth's Army*, 1966, p.114.

disappeared from the Worcestershire trained bands during the early Jacobean years but one of the Catholic rebels captured at Holbeach House in 1605 reported that he was wounded by a cross-bow arrow.¹ However the attack on Holbeach House was an operation conducted by the sheriff of Worcester and the *posse comitatus*, not the trained bands, and it is possible that the use of bows in this operation reflected their general availability as hunting weapons rather than their continued military importance. Worcestershire was not one of the counties required to press archers for service abroad in 1627.²

Unfortunately the returns for 1591 do not detail the types of weapon carried by the "shot". It is probable that some men carried the light caliver, others the heavier and more expensive musket. The caliver was popular with those who had to pay for arms and munitions because of its relatively low cost and because it required less powder but it was militarily less effective, having a shorter range and a smaller capacity to penetrate armour. Consequently its replacement by the musket was ordered in 1595. Part of the advantage of the musket came from its very heavy calibre, the normal bore being twelve bullets to the pound compared with sixteen for the caliver. Of course the weight of bullets and powder was a disadvantage and one of the reasons for the issue of ammunition being only twelve rounds per man. Cost and weight had to be set against greater killing power.³

Musketeers and calivermen normally wore the jack, or short leather coat with metal plates sewn onto the sleeves, and the morion and carried a flask of fine priming powder, a bandolier of powder for the main charge, a pouch of bullets, a length of match, a sword and dagger. The mobility of pikemen and musketeers alike was hampered by the heavy equipment which they had to carry - the "Gorgett, Curatts, headpeece, Sword, gyrdle and hangers".⁴ Archers carried similar armour and supplementary weapons.

The horse were in 1591 divided into two categories, the lances and the light horse, in the proportion of four light horsemen to one lancer. The lancers constituted the heavy cavalry, descended from the medieval men-at-arms. They wore three-quarter length armour and

1 Boynton, *op.cit.*, pp.171-2; S.P.14/216/87.

2 A.P.C., 1627, pp.500-1.

3 S.P.16/404/138.

4 S.P.16/13/43 ii; Boynton, *op.cit.*, pp.xv-xvii; C.H.Firth, *Cromwell's Army*, 1967, pp.106-7, estimated the soldier's load at over 60 lbs.

high boots and were armed with the lance and pistols as well as sword and dagger. Horses no longer wore full armour but protective front-pieces and armoured saddles were still common. By the early seventeenth century the lancer was giving way to the cuirassier.

hee that is armed cap-a-pie, mounted on a stronge horse with two good pistolls, and a sword of foure foote longe, wch is best for a horseman, as a shorte one of three foote is for a footeman, which is contrarie to ye old custome; he hath likewise a boy on horse-backe to carrie his spare Armes. 1

The light horsemen were armed with the staff, or light spear, and pistols and they wore light armour. In the seventeenth century the light horse gradually ousted the less mobile lancers and cuirassiers and the proportions listed for Worcestershire in 1591 show that the process was far advanced. Of course the greater expense of equipping a lancer contributed to the popularity of the light horse. Surprisingly there is no evidence that Worcestershire ever had any mounted infantry for mounted harquebusiers, carobins or petronels, the ancestors of the dragoons, were an increasingly important component of militia forces. The twenty demi-lances listed for the period 1605-14 show that the heavy cavalry ideal was still not dead, but it is likely that the figure shows traditional obligations, not the number which could be supplied at short notice. The returns for 1637/8 do not subdivide the horse into categories.

In addition to the fighting units, it was necessary for the militia to have transport and men to perform menial tasks such as digging ditches. In 1591 each company of foot in Worcestershire claimed five carts and 25 pioneers, rather fewer pioneers than the 20 in every 100 soldiers which the Council had demanded in 1590.² The proportion of pioneers to armed men in the 1605 list is also low, only nine per 100. The returns for 1637/8 do not include pioneers.

The scanty figures which have been quoted above lead one to conclude that throughout the period from the Armada to the civil war, Worcestershire trained band strength remained roughly the same with a total of between 800 and 900 men at least nominally under training at any one time. The principal training day was the annual muster which was normally held in Whitsun week so as to avoid the inconvenience of taking men from their work during seed-time and harvest. It cannot be said with certainty where musters were held in Worcestershire but it is likely

1 S.P.16/404/138.

2 Boynton, *op.cit.*, p.173.

that they were held on the same day at four different places in the shire, the men from the hundred of Halfshire meeting at Bromsgrove, those from Oswaldslowe and Doddingtree at Bewdley, those from Pershore Hundred on Pitchcroft meadow at the city of Worcester, where the city forces also met, and the troops from Blackenhurst at Evesham. Stores were kept in each of these towns and they seem to have been the headquarters of the regional companies.¹

Activity at musters varied from a mere taking of the roll and inspection of arms in the early Jacobean period to active training in the reign of his successor. Evidence from other counties shows that musters usually took place over two days, but Barnes suggests that much of the time at musters was absorbed in roll calls and routine inspections, little in active training, and that the exercises were regarded by the men as little more than a May game. Most writers about the militia agree that the troops were unwilling soldiers and that most entered into training in an unco-operative spirit which was often found even among officers.² While it is probable that on most occasions only members of the trained bands were required to muster, it seems likely that in times of potential military crisis reserves were also required to appear. In most counties these were divided into two parts, those who were armed and not trained, and those who were simply listed as able men. At various times it was attempted to give the first reserves a modicum of training for they were required to muster with whatever arms were available if the trained bands should be drawn out of the county.³

In the later years of James's reign and under Charles, the training envisaged was far from cursory. The government took up enthusiastically the latest principles of training based on practice in the Low Countries and these were exemplified in the training manual issued to lord-lieutenants in 1623. The training ideal was that after inspection of arms the lieutenants should

cause all the trayned souldiers to be perfectly instructed in the exercise of theire armes and orders, a parte first, then by degrees in fyles, squaders, whole companies and regiments and lastly to drawe all the forces of the county into one bodie and soe trayne and exercise them.

¹ Townshend, ii, p.69.

² Barnes, *Somerset*, p.121; Willcox, *op.cit.*, pp.90-1; Boynton, *op.cit.*, pp.267-9. Possibly because he used sources relating to Hampshire and the Isle of Wight, areas in which military preparedness needed to be greater than in most other parts of the country, Boynton obtained the most favourable impression.

³ *A.P.C.*, 1626, pp.72-76. Order of 10 July 1626. One example of many.

⁴ *A.P.C.*, 1626, p.73.

The Elizabethan ideal of a militia ready to leave for the place of rendezvous with full equipment at one hour's notice was revived in place of the much laxer early Jacobean requirement of readiness at one week's warning and a reserve force of all men aged between sixteen and sixty was to be enrolled and ready to serve if necessary.

Training was, of course, the responsibility of the lord-lieutenant and his deputies. However both these and the trained band officers were usually complete amateurs in military matters and it was necessary to appoint a professional muster master. This officer was selected by the lord-lieutenant, though usually on the nomination of the Privy Council. His responsibilities were laid down in a conciliar letter to the lord-lieutenants in 1629. He was to select able bodied men for the trained bands, see that arms were up to standard and in the charge of the soldier showing them, not borrowed from another, to assist the officers both at musters and other convenient times "to teach the Trayned Souldiers their duties and postures and the right use of their armes", and, finally, he was to reside in the county and perform any training duties required of him by the lieutenants. The muster master was to be "not only . . . a man that understandeth and performeth these duties by experience at home but one that hath beene a Practick Souldier and expert in the warres abroad".¹

In addition to training at the annual muster trained band units were expected to meet for training on holidays and other convenient times during the year. At these special training sessions, the officers, muster master and deputy-lieutenants were expected to give instruction in pike drill and the use of fire-arms. Despite the complicated language of the manuals pike postures and drill were fairly easily learned by example and it was the "shot" who needed most attention. Boynton considers that the seventeenth century musket could be a remarkably effective weapon in the hands of an expert, but only of an expert.² It was a complicated piece of machinery mastered only by much practice and experience. The training method advocated was to teach the soldiers to aim, then to make "false fires" with powder in the pan but no main charge, and, finally, to aim at a target. One letter of advice advocated that the counties provide small prizes for good marksmanship.³

1 A.P.C., 1629-30, p.213. Muster order of 21 December 1629.

2 Boynton, *op.cit.*, pp.113-4. An extreme range of 600 yards is suggested with 200 yards as the upper limit for accurate shooting.

3 S.P.16/13/43,II, f.3.

In the seventeenth century the provision of powder was much more generous than under Elizabeth, and though this would be accounted for in part by the greater number of firearms and the heavier demands of the musket compared with the caliver, it is an indication that better provision was made for training in marksmanship.¹

Increased use of the musket was one of the most important trends in sixteenth and seventeenth century tactics, and one which Michael Roberts believes to have led to a deterioration in military effectiveness. The rate of fire was very much less than that which could be obtained with the long bow, they were accurate only in the hands of an expert, required expensive ammunition, and forced complicated drill on units which wished to maintain a steady rate of fire. Despite the deficiencies of early firearms, the proportion of musketeers to pikemen was steadily increased, and the ability of armies to score decisive victories seriously impaired.² The emphasis on musketry in the seventeenth century trained bands may show that they were entering a Continental blind alley rather than improving their effectiveness.

It is difficult to generalise about the quality of training. It must have varied from one part of the country to another and there is no doubt that both local initiative and conciliar directives played a part in determining differences from year to year. Though the trained bands could never approach the standards set by professional soldiers, it is probable that the drilling they received made them infinitely superior to an untrained *posse comitatus*. The Worcestershire trained bands may have been of better than average quality for they met the exacting standards of that enthusiastic military trainer, the Earl of Northampton.³ Northampton had been scathing about the standard of efficiency reached in most of the counties under his jurisdiction.

The cost of maintaining trained bands was a heavy one and there were other military charges to be met as well. Indeed some contemporary commentators regarded them as constituting a greater financial burden than several subsidies.⁴ The muster master had to be paid and his annual salary of £47 was handsome by seventeenth century standards.⁵

1 Boynton, *op.cit.*, pp.260-1.

2 M. Roberts, "Gustavus Adolphus and the Art of War", in *Historical Studies: I, Papers read to the second Irish Conference of Historians*, (ed.) T.D. Williams, 1958, pp.69-85.

3 S.P.16/41/31.

4 Boynton, *op.cit.*, p.211; *The Parliamentary Diary of Robert Bowyer, 1606-1607*, (ed.) D.H. Willson, Minneapolis, 1931, p.375.

5 Townshend, i, p.485; Boynton, *op.cit.*, pp.180, 226, 287-291.

Arms were expensive and the seventeenth century was an age in which improvements in military technology made it necessary to replace arms at more frequent intervals than had been the case in previous centuries. The use of firearms made training more costly, for while arrows could be used repeatedly, match, powder and shot could not. Worcestershire trained bandsmen were paid one shilling per day of training.¹ Those of the city received a similar sum except for a brief period in 1626 when they were exempted from military taxation instead.²

The ideal that members of the trained bands should be prosperous freeholders able to supply their own arms was seldom realised, and money for some of the arms as well as the cost of training had to be raised by parish rates. In the county these were imposed by the deputy-lieutenants using the same rule of proportion was determined liability to civil taxation. Rating for military purposes imposed a heavier burden on tax-payers than did any other county taxation. According to accounts for the period 1629 to 1642 contained in the papers of Henry Townshend, £347 of £489 paid in county taxation went for military purposes. This compares with a maximum of £4000 paid as ship money in 1635.³ At first glance the comparison would seem to dispose of the objection that military rates were a heavy financial burden but the regular rate imposed on a county-wide basis was only a small part of total expenditure on the trained bands and other military activities. The accounts of the parish of Salwarpe suggest that parishes spent between three and five times as much on pay and arms for their resident trained bandsmen as they did on county military rates.⁴ In addition to paying parish rates, the more prosperous inhabitants had to make individual contributions towards the purchase and maintenance of arms.

The cost of weapons was high. In 1612 it cost £3"4"5d to equip a light horse, £4"7"4d for a lancer, about £1"9"8d for a musketeer, £1"4"8d for a soldier armed with a caliver, and £1"5"8d for a pikeman.⁵ In 1618 Salwarpe paid £1"6"0d for a parish musket.⁶ These were substantial sums for almost anyone below the rank of the gentry so it is not surprising that the muster master was unable to recruit enough young men who could afford to buy their own weapons. As far as ownership was concerned, weapons fell into three categories, those owned by the man who bore them at musters,

1 W.R.O. 880.93: 1054/2.

2 W.C.O.B., f.98, 13 April 1626; f.101^v, 22 September 1626.

3 Townshend, *Diary*, i, pp.15-17; *infra*, p.225.

4 W.R.O. 880.93: 1054/2.

5 Willcox, *op.cit.*, p.85. These are Gloucestershire figures.

6 W.R.O. 880.93; 1054/2.

those which were privately owned but carried by someone other than the owner, and those which belonged to the parish. Only limited information is available for Worcestershire. The muster roll for a number of parishes in the north and west of the county does not record the presence of any trained bandsmen who provided arms entirely at their own expense. Of 119 corslets, only five were provided from parish funds, the rest being contributed by 337 named rate-payers. 199 musketeers were enrolled. 44 carried parish weapons, 155 those purchased by 408 individuals.¹ It is apparent that privately owned weapons were more numerous than in Gloucestershire where parish arms made up a third of the total.²

It seems that arms were normally purchased in London, for a time under a monopoly established by Charles I.³ Royal nominees were not invariably successful in obtaining contracts to supply the trained bands for on one occasion the President of Wales declined to buy powder from the person recommended by the Court on the grounds that he had already made binding arrangements with another.⁴ A possible source of supply was the stock of arms confiscated from recusants. A considerable quantity of arms had been seized from the houses of Lord Talbot and Lord Windsor, but despite the problems of storage and deterioration, it does not appear that the deputy-lieutenants ever exercised their authority to make compulsory purchases. Consequently the sequestered arms lay idle and rusting at a time when the county was faced with the high cost of purchasing new ones.⁵

In addition to the rates for the militia, the county had to pay coat and conduct money for conscripts. This was levied at the rate of 8d per day per man from the time of induction till the officers took delivery of the men at the port of embarkation. Though these sums were repayable by the Exchequer, they did involve the county and city in considerable expenditure at the time. In 1625 the city of Worcester had to raise a double fifteenth "towards the Charge of fifteene souldiers sett forth by the Cittie for the king's service in this last yeare past".⁶ To this cost was added, on occasion, that of billeting.⁷

There were two semi-autonomous and self-financing components within the Worcestershire trained bands, the companies financed by the city and the clergy. The city was subject to the jurisdiction of the President

1 W.R.O. 705.93: 854/5. Company muster roll c.1640.

2 Willcox, *op.cit.*, pp.86-8.

3 Boynton, *op.cit.*, p.259. The monopoly lasted only 1631-3.

4 S.P.16/32/73.

5 S.P.16/12/3; S.P.16/18/31; S.P.16/75/18.

6 W.C.O.B., f.95, 11 November 1625.

7 *Infra*, pp:165, 169.

of Wales, but had won the right to muster separately from the county and within its own jurisdiction.¹ Resistance of corporate towns to being mustered by the deputy-lieutenants of the surrounding county was a perennial source of conflict and it seems that Worcester was less independent than some other towns. Gloucester had succeeded in obtaining its own deputy-lieutenants by 1600 and Tewkesbury did so in 1608, something which the city of Worcester did not, even when it attained the status of a county in 1621.² The attempt of the city to weaken its military links with the shire in 1642 reflected the resentment aroused by conscription during the Scottish wars rather than any long-standing desire for military autonomy.³

Part of the cost of military operations had to be paid by the clergy and, despite their opposition, this was enforced. They had first been charged with regular contributions to the trained bands in 1569. A table was drawn showing what men and arms were to be provided by clergymen in various income groups. At first, the clergy bands served separately under the jurisdiction of the bishop rather than the lord-lieutenant, but after 1588 clergy bands generally mustered with the rest of the county.⁴ When costly military operations were revived in the second half of James's reign, the clergy made an unsuccessful attempt to escape contributing.⁵

There is only one mention of clergy bands in Worcestershire, in 1642, when a company of foot stationed at the city of Worcester was listed as the clergy company.⁶ This shows that the clergy had been compelled to pay and that though the troops they provided had to muster with the rest, they had been retained as a separate unit.

One substantial cost in military administration was the provision of pensions for maimed soldiers. This duty was handled by the civil authorities acting in single parishes, groups of parishes or on a county-wide basis. A sub-treasurer for maimed soldiers was appointed by quarter sessions and he was responsible for the disbursement of funds collected by the petty constables and transmitted to him by the high constables. The treasurer for maimed soldiers once paid £3"8"1d out of his own pocket and had to get a special order from quarter sessions before he was repaid.⁷

1 Boynton, *op.cit.*, p.183; S.P.12/169/11; A.P.C., 1591, p.264.

2 Willcox, *op.cit.*, pp.74-5; Boynton, *op.cit.*, p.270 for discussion of problems caused by towns refusing to muster with the county in 1627.

3 C.J., ii, p.761.

4 Boynton, *op.cit.*, p.250.

5 A.P.C., 1625-26, pp.497-8.

6 Townshend, *Diary*, ii, p.69.

7 W.Q.S.P., 1628 (183), liii, 79, p.455.

There is one instance in which negligence or dishonesty in handling funds raised for maimed soldiers' pensions led to the intervention of the Privy Council. In 1621/2 the Council ordered J.P.s in Worcestershire to investigate complaints of 26 poor pensioners that Humphrey Wall, high constable of Doddingtree had been negligent in collecting money for maimed soldiers or was retaining it in his own hands. It was alleged that many remained unpaid despite the advance of twenty marks by the treasurer.¹ The wording of the petition suggests that the high constable was responsible for collecting the funds and paying the maimed soldiers for his division, receiving assistance from the treasurer, or passing any surplus to him, depending on the balance between income and expenditure in any given year. An account of 1599 shows the treasurer for maimed soldiers receiving small balances from most high constables and disbursing funds to only ten recipients.²

Despite the apparent centralisation of collection and distribution, it appears that liability to pay maimed soldiers' pensions was closely linked to the soldier's parish of origin. The parish retained responsibility to pay a pension to a soldier pressed from it, and where parishes were grouped to provide a conscript, they were jointly liable. Despite the statutory rate of £10 p.a. for a private, £15 for a lieutenant, and £20 for officers above that rank, the size of the pension was fixed by quarter sessions and there was some variation in the amount which possibly related to the degree of disability. In 1599 the maximum rate paid by the treasurer was £10, and some recipients were paid only a few shillings. In 1615 a £4 annual pension was reduced to £3, both the reduced and the original pension being well below the statutory sum.³ The problem was that the statutory limitations on the size of the maimed soldiers' rate made it impossible to raise sufficient money to pay all potential recipients the proper rate. The acts of 1593, 1597 and 1601 all imposed an upper limit on the amount which could be collected, and even under the 1601 act, which allowed the highest rating, the maximum weekly rate for any parish outside London was 10d.⁴ Where parishes were grouped together the rate was reduced. As a consequence of the impossibility of meeting

1 A.P.C, 1621-23, p.130, 8 February 1621/2.

2 W.R.O. 705: 24/849

3 W.Q.S.P. 1615 (129), xxii.75, p.211; C.G.Cruickshank, *Elizabeth's Army*, (2nd ed.), 1966, pp.183-188; W.R.O. 705: 24/849.

4 35 Elizabeth c.4; 39 Elizabeth c.21; 43 Elizabeth c.3. There was no statutory provision for veterans prior to these acts.

all the demands on the pension fund, some maimed soldiers had to wait for a pension to come to them in reversion and many were granted ordinary parish relief.¹ This does not necessarily mean that cripples were left destitute, for although many of the petitions cite wounds, illnesses and incapacity, their severity is not likely to have been minimised when a pension was at stake and it is probable that many of the so-called maimed soldiers were not maimed in the modern sense of the word. The larger pensions were probably reserved for those who had received wounds which prevented them from working but many of the payments would be better termed "veterans' pensions". Certainly the recipients of certain pensions cannot have been badly disabled if they were required to act as militia corporals in return for their money.²

In addition to supporting maimed soldiers, the parishes had to provide sustenance for wives of conscripts. Unfortunately information about how this obligation was met is sparse. One wife reported that she had been granted a weekly allowance of two shillings but that it had not been paid for a year. Another was granted only four pence weekly and "necessary relief at the alms houses".³ The obligation to support soldiers' wives did not apply if the men were volunteers and in 1628 the overseers of the poor of St Michael's in Bedwardine petitioned to be freed from the support of a woman whose husband, they claimed, had volunteered.⁴

There was, then, a considerable burden of taxation devoted to military purposes. In some years military rates would have been comparatively low and devoted almost entirely to the payment of fixed charges such as pensions and the muster master's salary. In others the payment of coat and conduct money and the purchase of equipment for the trained bands may have justified the complaint that military taxes were as burdensome as several subsidies.

Even though the sum involved was not large, it was the payment of the muster master which aroused the greatest resentment. The office of muster master had been created by the 1558 act for regulating musters and after its repeal there was neither statutory nor common law basis for its existence. The continuation of the office on the basis of prerogative alone was condemned in the Petition of Right. To many of the farmers

1 *W.Q.S.P.* 1628 (170), liii, 83, p.453; 1617 (166), xxvii, 93, p.248.

2 Barnes, *Somerset*, p.250.

3 *W.Q.S.P.* 1604 (86), ii, 54, p.68; 1605 (48), xli, 28, p.76.

4 *Ibid.*, 1628 (188), lii, 30, p.455.

the muster master may have become the symbol of military government. There is a stream of information about opposition to the muster master. In 1615 the Privy Council ordered the Judges of assize to deal with one Baker who was attacking the position of muster master in Worcestershire as unlawful and unnecessary, apparently with some success as the muster master had complained of difficulty in collecting his salary. Opposition continued throughout the reigns of both James I and his successor and there are numerous directives demanding that opponents be sent before the Council.¹

In 1627 opposition in Wales and the Marches was extended to other military taxes. A conciliar letter stated

there are many within the said counties who refuse to furnish those contributions which are fit towards the . . . necessities as powder and shot, and lykewise towards the payment of the muster masters allowance; so we finde it strange that anie shoulde be so refractory in that which concerneth the publique service and their owne safety /They shall/ answere their contempt before us some day the next terme. 2

Those who refused to pay military taxation were sometimes presented at quarter sessions.³ There is no evidence that the deputy-lieutenants punished defaulters themselves in Worcestershire.

Taxation for military purposes may be seen as a considerable financial burden and a constitutional grievance. Though collection required pressure from the Council and action by quarter sessions and assizes, resistance was never as acute as it was when ship money was collected. The actual burden was probably greater at times so it is perhaps surprising that opposition to it was always less acute than it was to ship money. The explanation is not obvious but it is possible to speculate. Perhaps the fact that the deputy-lieutenants, the prime gentry of the county, fixed the rate rather than acted as mere agents of the Crown, as the sheriff did in the collection of ship money, helped reduce opposition among the magisterial class. From this class, too, or that immediately below it, was drawn the officers, and these men could see the result of the money's expenditure.

Among the countrymen neither military service nor military taxation was popular, but they too could see where their money went. Money spent on the militia was spent locally, or at least in a way which allowed the

1 A.P.C., 1615-16, p.265. Order to punish Baker, 16 July 1615.

2 A.P.C., 1627, p.266. Privy Council of President of Wales, 8 May 1627.

3 W.Q.S.P., 1628 (231), liv, 71, p.461.

results to be seen. Ship money may have improved the national navy but the fleet was far away. Perhaps it was the link with the locality which helped prevent opposition to military rates reaching ship money proportions. It is also true that in the seventeenth century men were immensely conscious of precedent. There was no doubt about the common law obligation of the subject to defend the realm, and the King's prerogative to organise that defence was undisputed. There were long precedents for these common law obligations and prerogative rights being exercised through local military forces financed by parish rates. It is significant that it was the muster master, a sixteenth century statutory creation, who aroused most opposition once the statute was repealed. The precedent for his existence was not of long enough duration for his payment to be regarded as warranted when ordered by force of prerogative alone. Though there were precedents for collection of ship money in both maritime and inland counties, they were antiquarian in the case of the latter. The evasion, the grumbling, and the sporadic opposition to unpopular military taxation were magnified into wholesale resistance when ship money was imposed as a national tax without parliamentary sanction, universally recognised precedent, or apparent benefit to the county community.

One of the duties of the lieutenants was to preserve internal security by calling out the trained bands and, if necessary, to co-operate with the sheriff in calling out the *posse comitatus*. In Northamptonshire in 1607 their failure to do so in a peasant uprising brought a rebuke from the King.¹ In Worcestershire there were only two occasions prior to the civil war in which threats to internal security might have warranted calling out the trained bands. The first was at the time of the Gunpowder Plot when a rising of Roman Catholics was expected and when a small number did hold Holbeach House, on the borders of Worcestershire and Staffordshire, against forces representing the King. Though 250 men were called out to suppress the Gunpowder plotters and guard against a more general rebellion, all the Worcestershire forces were controlled by the sheriff, acting-sheriff and J.P.s.² At no time were the lieutenants or the trained bands mentioned in correspondence. Though the acting-sheriff, Sir Henry Bromley, was also a deputy-lieutenant, no mention of this was made in any of the letters between county and Council.³

1 *Montagu Musters' Book*, (ed.) Joan Wake, Northamptonshire Record Society, 1935, i, pp.xlviii-xlix.

2 *Infra*, pp.118-9.

3 Appendix II.

In 1632 disafforestation and enclosure of the Forest of Feckenham led to riots and the deputy-lieutenants shared in the responsibility for their suppression. Three commissioners were appointed to supervise disafforestation. In March 1632 they reported that 300 persons had thrown down the enclosures with spades. The commissioners appeared with between 30 and 40 men and arrested a considerable number of rioters despite their resistance. Those arrested were in the custody of the sheriff and many were injured but "none (as it is hoped mortally wounded)".¹ The Council's response to this information was interesting. They decided to send a sergeant-at-arms to arrest the main offenders for trial in Star Chamber and they ordered the Earl of Bridgwater to instruct the deputy-lieutenants to assist in maintaining law and order.²

In April the Council received information that 3000 armed men had thrown down the enclosures. It is not clear whether this information was an exaggerated version of the first, or whether it was a second and larger scale uprising. In any case the report of 3000 armed rioters is inherently improbable given the population of the Feckenham area. The Council evidently believed this second report to refer to a further riot for on 11 April 1632 it expressed its amazement that the J.P.s and deputy-lieutenants had not suppressed the riot or given notice of it. The Earl of Bridgwater was instructed to "quicken the industry" of the deputy-lieutenants, the decision to send the Star Chamber sergeant-at-arms to arrest the chief malefactors was confirmed and a commission of oyer and terminer was to be issued to try lesser offenders on the spot.³ On the same day warrants to bring twenty seven Worcestershire people before the Council were issued but it is not certain that these arrests were connected with the riot.⁴ In May an order was issued for five named inhabitants of Feckenham to be sent for and examined by the Attorney General.⁵

The rebuke to the deputy-lieutenants and the instruction to the lord lieutenant to "quicken their industry" suggests that the King held them specially responsible for maintaining order against rioters, though it is obvious that the responsibility was shared by the J.P.s. The

1 P.C.2/41, p.485, 27 March 1632.

2 *Ibid.*

3 P.C.2/41, pp.507-9.

4 *Ibid.*, p.507.

5 P.C.2/42, p.18. All these arrests were connected with the riots. There is no evidence that the commissions of oyer and terminer were issued.

emphasis on the deputy-lieutenants implies that the trained bands should have been called out so it is possible, though by no means certain, that the 30-40 men called out to suppress the riot in Feckenham were members of the trained bands. For reasons discussed elsewhere it is considered less likely that this was the case in 1605. Too much cannot be made of the Council's displeasure at the apparent inactivity of the deputy-lieutenants in the Feckenham riots, for the second report is almost certainly an exaggeration, and if it is merely a more colourful version of the first, it is clear that the commissioners were able to cope. If, however, the second report was true, it is apparent that the deputy-lieutenants had shown the same reluctance to act for which their Northamptonshire equivalents had been stigmatised in 1607.

One duty of the deputy-lieutenants which became important from time to time was the levying of troops for service abroad. Worcestershire was an important recruiting ground for troops under Elizabeth, 1100 being raised for service in Ireland during her reign,¹ but the pacific policy of her successor made impressment on that scale unnecessary. There was a very limited amount of impressment for Ireland under James but it was not until the end of his reign that Worcestershire was compelled to raise substantial numbers of troops.² In 1624 James, under the influence of Buckingham, decided to contribute troops to Count Mansfeld's expeditionary force which was going to the Palatinate. Worcestershire was to provide part of the 900 men to be levied in the area under the jurisdiction of the President of Wales.³ In the following year 250 Worcestershire men were conscripted for Charles's ill fated attack on Cadiz, a total which was exceeded in 1627 when two further levies resulted in 300 men being sent to Rhe.⁴ The impressment of such a large number of men within four years must have had a considerable impact on the county, especially when such a step was unprecedented within the last generation.

When the deputy-lieutenants were ordered to press men they were expected to divide the county total among the various parishes in proportion to population and order the constables to produce the total with which the parish had been charged. Large parishes might be responsible for several men, while two or more small parishes might be joined together to find one man. Most writers agree that the constables used impressment

1 Cruickshank, *op.cit.*, p.291.

2 S.P.14/32/73; A.P.C., 1621-23, p.89.

3 S.P.15/173/88, 92 and 93, October 1624.

4 A.P.C., 1625-26, pp.44-50, 135; A.P.C., 1627, p.375; S.O.1/1, 29 September 1627.

as an opportunity to get rid of the neer-do-wells in the village community, to deal with the submerged tenth and almost all references to the quality of pressed men are condemnatory. Sir Jacob Astley expressed the general opinion of men pressed for all expeditions when he said of the English troops he was to command in the second Bishop' War, "I am to receive all the arch-knaves of this Kingdom and arm them at Selby".¹ Instructions to levy troops usually contained the order to choose men "that . . . bee of able bodies and yeares fitt for this imployment" but the dissatisfaction of the officers with the first levies received for the Rhe expedition was demonstrated by the instruction to the lieutenants to

make choice of more able men then many of these were, whome you formerly sent for this service, whereof some were disallowed by the captaines who were to comand them, and not a few . . . returned home . . . you are to take the more care to send young and able bodied men, well cloathed and fitt for service. 2

The generally low quality of the levies had its roots in the desire of the constables to rid the parish of poor men who were trouble makers or likely to be a charge on the rates, in the unwillingness of seventeenth century society to expose too many of its best young men to the risks of war, and to corruption. Despite the constant reiteration of demands for higher quality recruits, the Privy Council revealed something of society's attitude towards military service when it suggested the impressment of "unnecessarye persons that not want imployment and live lewdly or unprofitably".³ The able young men whom the officers wished to serve under them were often yeomen's sons or valued servants, people with too much influence to be susceptible to the constable's press. Many such would have slipped into the trained bands whenever the threat of real military service became apparent. If influence was unavailing, direct monetary corruption might be for in 1625 the deputy-lieutenants were ordered to send before the Council any constables or conductors who had taken bribes to spare from being pressed or to change "such as were most able and fittest for service".⁴ However it was often charged that the deputy-lieutenants themselves were not above corruption and that they frequently pressed more men than were needed in order to pocket the bribes of those who were able to pay for

1 C.V. Wedgwood, *The King's Peace*, 1971, p.313.

2 A.P.C., 1625-6, p.135; A.P.C., 1627, pp.374-5.

3 A.P.C., 1623-25, pp.249-50.

4 A.P.C., 1625-26, pp.42-45; S.J. Stearns, "Conscription and English Society in the 1620s", *Journal of British Studies*, xi, 1972, ppl-23, provides a full discussion of corruption and social attitudes towards military service.

continued civilian status. In 1597 citizens of Bewdley were ransomed from the press at the expense of the town,¹ but there is no further suggestion of corruption in Worcestershire military administration until 1640, when Sir William Russell was charged with taking bribes.² National information shows that venality was rife among constables and conductors. Deputy-lieutenants were sometimes tempted by bribes or the opportunity to use the press as a means of obtaining revenge against men who had crossed them.³

Once the men had been enlisted, it was the responsibility of the deputy-lieutenants to provide them with clothing, to select a conductor to supervise the march to the port of embarkation, and to raise funds for conduct money. The troops were delivered to the conductor by means of a tripartite indenture, one copy to the conductor, one to the Council and one to the deputy-lieutenants. When the men arrived at the port, their captains were given an indented roll which enabled them to see if they had received the full complement.

Coupled with the impressment of troops was the problem of billeting. The deputy-lieutenants were obliged to find accommodation for the conscripts until they left England, but this was not usually a serious problem. Bill-eting was to become a matter of prime concern after the return of the defeated army from Rhe in 1627. The King's purpose in keeping together a body of men, diseased, defeated, bitter and even dangerous, is obscure, and can scarcely have warranted the amount of work it caused the deputy-lieutenants or the ill-will it produced in the country. The main problem was the inability of the King to pay the cost of his soldiers' accommodation. The burden of finding sufficient inns and private houses able to provide bed and board was compounded by the necessity of raising funds for the housekeepers. Opposition was inevitable when the countrymen not only had to accept unwanted guests into their homes, but pay for them as well. The royal promises to repay expenses incurred by the deputy-lieutenants were much more forthcoming than hard cash.⁴

To add insult to injury, Charles made the deputy-lieutenants responsible for collecting the privy seal loans, which in the absence of Parliamentary subsidy, were to be used to meet the expenses of billeting.⁵

1 J.R. Burton, *A History of Bewdley*, 1883, Appendix, p.xvi.

2 D'Ewes (N), p.143.

3 Barnes, *Somerset*, pp.254-5; Stearns, *loc.cit.*, pp.11-13.

4 A.P.C., 1628-29, p.102.

5 *Infra*, p.223.

What must have been even more galling to the heavily burdened deputy-lieutenants was that they themselves were expected to be among the largest contributors. In Worcestershire the amounts lent were up to £40, most men of the deputy-lieutenant and senior J.P. class being charged £25.¹

Fair more than any other aspect of county administration, military activities were regulated by the demands of the central government. From the Armada to the accession of James I the lieutenants were kept busy preparing for an invasion which never came but was an ever present threat. Between 1603 and 1612, however, the actuality of peace and the pacific intentions of the monarch combined to reduce military preparedness. The laws regarding musters were repealed and there was some doubt about the precise nature of continuing military liabilities which were henceforth to depend on the prerogative and common law rather than statute.

During the first nine years of James's reign, "the full system of musters and training was in abeyance, being replaced in most years by informal inspection".² In most counties the trained bands mustered only in divisions for a perfunctory inspection of arms which did not prevent widespread borrowing from troops who were mustered on a different day. In some counties, such as Hampshire, Gloucestershire and Norfolk, the initiative of the lord-lieutenant led to full inspection or training but it is clear that in England as a whole the standard of military preparedness was very low.

In 1613 Spinola's advance into Cleves and Juliers convinced the government that there was a real danger of invasion and a revival of training was ordered. As many people in the counties believed that an invasion was imminent, mustering was enthusiastically revived in some areas, Cornwall enlisting the entire adult male population.³ The extent to which military training was revived in Worcestershire is not known, but the horse was mustered in March of that year.⁴ After the long hiatus in training it was difficult to produce even a semblance of military efficiency. Men had forgotten their drill, weapons were both old fashioned and in short supply, the manufacture of arms had declined, and trained officers were not to be found. The London "Military Garden", founded in

1 A.P.C., 1625-26, p.288; E.401/2586.

2 Boynton, *op.cit.*, p.210.

3 *Ibid.*, p.216.

4 W.R.O. 705: 24/647 (2). Order of the deputy-lieutenants requiring an unnamed person to provide horse, man and weapons on 23 March 1612/13.

1610, and its provincial offshoots, provided training for some militia officers, but they could not compensate for the paucity of officers with experience in the field.¹

From 1613 to 1618 the Council made efforts to modernise arms, especially to replace calivers with muskets, to improve the horse, as usual the most neglected part of the trained bands, and tried to recruit yeomen and substantial husbandmen into the militia. However, once the fear of immediate invasion had subsided, disaffection to the service was to be a serious obstacle to improved military efficiency. Constant pressure from the Council on the lieutenants, errant trained bandsmen and defaulters on military rates was needed to maintain even a semblance of improvement.²

In 1618 the outbreak of the Thirty Years' War revived conciliar anxiety to have an effective militia. A full muster and enrollment of all forces, horse and foot, trained and untrained, was ordered. Unsuitable officers were to be replaced, the trained bands brought up to full strength, all soldiers properly armed and the county forces made ready for mobilisation at ten days warning. All counties were to maintain a sufficient supply of powder and match. Worcestershire was to store one last of powder and five hundred-weight of match.³

Boynton has discovered numerous references to stricter proceedings at musters after the 1618 order⁴ and the Government attempted to obtain uniformity of arms by statute in 1621. Unfortunately for the trained bands, the bill did not pass. If it had, some of the constitutional conflicts which hampered militia administration during the reign of Charles I might have been avoided.⁵

After the failure of attempts to regulate the militia by parliamentary means, the King was forced to use his prerogative to enforce improvements. He issued the *Instructions for Musters and Arms* in 1623 and ordered the deputy-lieutenants to adopt drill based on the most up-to-date practices in the Low Countries and to replace old weapons with those of an approved design.⁶ The attempt to construct an "Exact Militia" on the basis of the instructions of 1623 was not particularly successful and in 1625 only limited improvements had been achieved. However, opposition had been aroused and the attempt to act on the basis of prerogative alone had added an important element to the constitutional conflicts of the reign.

1 Boynton, *op.cit.*, pp.215-6.

2 *Ibid.*, pp.219-222.

3 *A.P.C.*, 1619-21, p.215.

4 Boynton, *op.cit.*, p.237.

5 W. Notestein, F. Relf and H. Simpson, (eds.), *The Commons Debates of 1621*, New Haven, 1935, pp.ii, iii, 106, 173, 326, 329, 360, 405.

6 *A.P.C.*, 1623-25, p.8.

During the first five years of Charles I's reign, his ill-advised attempt to fight France and Spain at the same time made improved military preparedness essential. Stricter orders were issued in 1625¹ and in January 1625/6 the King decided upon a measure far more fruitful than conciliar fulminations or a cart-load of military manuals. Eighty-four drill sergeants were withdrawn from the Low Countries for three months to instruct the trained bands. A total of three were sent to Worcestershire and the county bands presumably received the same benefits as those in the rest of England.³ However, the "hopeful start" towards the "perfect militia" required by the King was probably nothing more, for the sergeants were soon to be withdrawn, probably as conductors of levies for Rhe.⁴

In 1625 and 1626 the Council pressed for further improvements in drill, arms and discipline, revived the requirement that the trained men should be able to mobilise at one hour's warning and reinstituted reserve forces of untrained men.⁵ Even the horse received unwonted attention. In 1619 some defaulters had been ordered to appear before the Council, but in 1625 members of mounted units were subject to a concerted campaign to ensure that they attended musters in person with adequate mounts and the proper arms.⁶ However, the improvement was too slight to make possible the King's grandiose plan for a national muster of the horse at Hounslow and four regional centres.⁷ Inexplicably, the Council rejected in 1625 and 1637 the offer of a cavalry veteran to train the horse.⁸

In 1629 England's involvement in military activity on the Continent came to an end and some of the urgency in militia administration was lost. However, the government was determined that the trained bands should be retained in an efficient state. The annual muster orders repeated, for the most part, the requirements of the 1626 order, but there was less emphasis on immediate readiness.⁸ Only in 1635 was there a demand that the trained bands be put on a virtual war footing, probably, as Barnes suggests, as a propaganda move to justify ship money.⁹

The muster order of 1635 issued a rebuke to deputy-lieutenants for neglecting past instructions to return muster certificates and rolls,

1 A.P.C., 1625-26, p.37; S.P. 16/13/42-4; S.P.16/21/86.

2 A.P.C., 1625-26, pp.321-324; A.P.C., 1626, pp.26-7.

3 Barnes, *Somerset*, pp.249-51.

4 A.P.C., 1625-26, p.496.

5 A.P.C., 1626, pp.72-6.

6 A.P.C., 1618-19, pp.454-5; A.P.C., 1625-26, pp.37-8.

7 A.P.C., 1627-28, p.277; P.C.2/38, pp.185-7.

8 S.P.16/522/105; S.P.16/376/64.

9 P.C.2/41, p.89; /41, p.133; /41, p.547; /42, pp.121-2; /44, p.181.

ordered the taking of oaths of allegiance and supremacy, allowed members of trained bands to change their place of residence only with the consent of the deputy-lieutenants, revived the requirement that the trained bands be capable of mobilisation at one hour's notice, ordered the making of a list of all men aged between sixteen and sixty, and revived all other requirements of the 1626 order.¹

From 1635 until the outbreak of the first Bishop's War, muster orders were fairly routine in nature, though in 1637 and 1639 the President of Wales was ordered to remain in Wales or the Marches during the time of musters so that he might punish all but the most flagrant breaches of discipline at musters.² The semi-civilian status of members of the trained bands apparently prevented the military authorities imposing the severe punishments warranted by serious disciplinary offences. Where such penalties were imposed, intervention of the Council was necessary.

It was in 1639 and 1640 that the efficiency of the "Perfect Militia" was put to the fullest test it was to receive. Conflicts over episcopacy in Scotland led to armed revolt by the Covenanters and invasion of England. Whether one chose to regard the events in the north as a foreign invasion or an insurrection within the realm, it was clear that the King was constitutionally justified in calling out the trained bands.

On 18 February 1638/9 the Council decided to meet the Scottish invasion with a combination of men pressed from the general population, levies taken from the trained bands, and volunteers raised by peers and courtiers. Worcestershire was ordered to levy 300 foot and 35 horse from the trained bands in February and to conscript a further 230 men who were not members of the militia in March.³ It is notable, however, that men were to be selected from the trained bands rather than entire companies sent, and that the deputy-lieutenants were empowered to excuse trained bandsmen provided that substitutes could be found. The procedure was a hybrid one, partially a mobilisation of the trained bands, but in some ways more like the raising of an expeditionary force. Once the troops were raised, they were to be conducted to the rendezvous at Selby in the same way that levies for service abroad were conducted to the port of embarkation. The one difference was that the county was responsible for meeting the cost of coat and conduct without recompense, as the King assumed financial responsibility for the troops only when they reached Selby.⁴

1 P.C.2/44, pp.536-8.

2 P.C.2/48, p.121; /50, p.292.

3 S.O.1/3, pp.242-5; S.P.16/413/111.

4 P.C.2/50, p.161.

On 6 April 1639 230 Worcestershire levies were delivered to the conductors, a date which certainly precluded their being at Selby on the "fifteenth of the month at the latest" as demanded in the second impressment order.¹ There is no record of the 300 foot and 35 horse from the trained bands actually serving. The Pacification enabled these troops to avoid serious fighting and the militia was not put to the test until the following year.

It is probable that Charles had regarded the settlement of 1639 only as a delaying device which would enable him to strengthen his position and impose his will. His policy resulted in a further invasion from Scotland and renewed calls on the deputy-lieutenants and the trained bands. Charles intended to raise a force of 27,500 men to suppress rebellion in his northern kingdom and most of these were to be drawn from the trained bands. The deputy-lieutenants were ordered to rate each hundred and choose trained band soldiers for training by the officers taking command of them before they moved to the county rendezvous on 10 May and marched north ten days later. Worcestershire was instructed to raise 600 men and £1200 to pay for coat and conduct money.²

It has been claimed that these instructions differed from those of the previous year in that there was to be no substitution of untrained men for "trained band soldiers, no bribing of the press officers to let the trained soldier stay at home", but it is difficult to see any justification for this statement. The order to raise 17,600 men to march overland to Newcastle clearly states the measure of substitution which was to be allowed. After expressing the usual platitudes about the quality of the men required, the order went on to say

Where any ffreeholder hath used to have his Armes borne by another man, that other man is to bee pressed to serve, if he bee of able body and where a ffreeholder hath served in his owne Armes and is not fitt, or willing to serve himselfe, he is to find another able man to serve in his place, and if he cannot . . . then . . . cause another able man to bee pressed to serve. And where any man hath used to beare the comon Armes of the pish, if he bee fitt, and able of body hee is to bee taken, but if hee bee unfitt a sufficient man is to be pressed in his stead.

4

Changing men for money, as had been done in the past year, was, however, condemned. That the Council expected a large measure of substitution is suggested by the order that the levies were to exercise with the "trained

1 P.C.2/50, p.161; S.P.16/419.

2 P.C.2/51, pp.397-400.

3 Barnes, *Somerset*, p.274.

4 P.C.2/51, p.398.

men's arms", which were, however, to be returned to the deputy-lieutenants when they left the county.¹ Henry Townshend wrote that 600 Worcestershire foot were exercised twice a week with the trained men's arms.²

Though they were originally intended to depart on 20 May, an order postponing departure until 1 June was issued.³ The delay must have caused many problems and much dissatisfaction for the deputy-lieutenants, troops, rate-payers, and those who had to provide billets. In Worcestershire the troops were paid only for the two days a week upon which they trained, but were allowed to take whatever work they could find when not needed by the deputy-lieutenants. The additional expense must have strained already over-taxed resources, and perhaps made it necessary, as it was in Somerset, to disband the troops and reassemble them in time for the 1 June rendezvous.⁴ If the troops were billeted for the additional time, opposition on the 1628 scale would seem to have been a likely result, though the fact that the troops were from the county might have made them more acceptable.

It is likely that the delay led to an increase in the number of substitutes, as propertyed members of the trained bands hired less fortunate members of society to take their places.⁵ Those who were unable to escape in this way often deserted, something which increased the cost of sending the troops to Yorkshire. Townshend complained of the additional charges incurred as a result of desertion.

July 1st. At Worcester the 600 pressed soldiers came to go with their Captains. They have put the country to a great charge. They went not until Saturday morning.

1. 3 weeks' training at 8d a soldier, being billeted by 100 in a place, and marching, running away, fresh men arriving in, they are no more new to knowledge, that this unnecessary charges might have been saved.
2. Many running away, new supplies must be got.
3. Conduct money. Apparelling them, over 20s in money if they be well apparellled.

Besides the trouble of men to bring them in. Disliking these that coming, and alter as the Deputy Lieutenants please, some times 3 or 4 times after they are allowed and prest, it seems will be provided. 6

Despite desertions, 600 men were delivered to their officers and the county spent only £891¹³ of the £1200 raised to pay for the operation.⁷

There was a certain amount of opposition to paying coat and conduct money, some high constables using the excuse that they could not collect until it was decided whether rates should be charged upon yardland or by

1 P.C.2/51, p.398.

2 Townshend, i, p.469.

3 S.P.16/418/103; P.C.2/51, p.469.

4 Barnes, *Somerset*, p.275.

5 Everitt, *op.cit.*, p.65. Substitutes cost £8-12 in Kent.

6 Townshend, i, p.4.

7 S.P.28/138/14.

the pound, and forcing the deputy-lieutenants to have individuals lay out the entire cost until such time as the money could be collected from the parishes and the lenders repaid. One Horniold, who had refused to pay and was charged with making an insulting remark to a deputy-lieutenant, Sir William Russell, was sent before the Council.¹ It appears, however, that the deputy-lieutenants of Worcestershire were reasonably successful in meeting the demands of the Council. In July they were able to provide seventeen carts and fifty horses for the carriage of artillery and munitions even though the demand for horses was the one most resisted in some other parts of the country.²

That the troops committed many acts of indiscipline is well-known. The mass desertion of the Berkshire forces, the breaking of the county gaol by the troops in Wiltshire, the brutal murder of Roman Catholic officers by soldiers of Devon and Dorset, all indicate that it was an armed mob rather than an army which proceeded to meet the Scots.³ Misdeeds by Worcestershire troops have gained no comparable notoriety yet there is some evidence of their indiscipline. The sheriff's cravings for expenses in 1640 include an account for building a new gallows and bar for the Judges of assize to replace those that had been destroyed by the soldiers. Though it is possible that these were destroyed when erected for the normal Lent assizes, it is more likely that an attempt to intimidate the soldiers by building a gallows where they could see it had the opposite effect to that intended.⁴

It is scarcely surprising that the armed rabble which was unwillingly conducted northwards was so easily defeated by the Scots. On the face of it, the conduct of the troops and their lamentable performance in the field may be seen as an indictment of the "Perfect Militia", evidence that trained bandsmen did not regard their drill as anything more than a May game, that musters and special exercises were excuses for carousing rather than real military training. Such a conclusion would, however, be unjustifiably harsh. The militia was not a force of professional soldiers committed to fight for the King their employer regardless of the perceived justice of his cause but a group of citizen soldiers enlisted as a force for home defence. It is clear than the political conflicts of the 1630s

1 S.P.16/461/44.

2 S.P.16/460/53; *C.S.P.D.*, 1640, p.301; S.P.28/138/14.

3 Barnes, *Somerset*, p.276; Firth, *op.cit.*, pp.13-14.

4 E.368/656.

had produced a situation in which a large number of Englishmen sympathised with the plight of their sister kingdom, and far from regarding the Scots as a threat to the English nation, welcomed them as ideological allies. To the natural reluctance of countrymen to leave home and hearth was added unwillingness to fight men who had taken a stand against political and ecclesiastical policies which many Englishmen also opposed. An almost united Scotland faced a divided England.

In light of the ideological conflict the decision of King and Council to allow substitutes for members of the trained bands may be seen not as tacit recognition that "a strong-backed yokel was the equal of a trained-band soldier"¹ but as one of Charles's rare acts of political wisdom. Some heat was taken out of an explosive situation when at least the more prosperous and influential conscientious objectors to this particular war were allowed to stay at home.

An act which was politically desirable was militarily disastrous. The English forces sent against the Scots were not only afflicted by low morale and general disaffection to a service foisted on them by the default of their more prosperous neighbours, but they lacked the military training which might have produced martial ardour in the heat of battle. As Burnet wrote

Their men were good bodies, well cloathed, and well armed; but so little exercised, that of the 5000 there were not 200 that could fire a Musket. The occasion of this was, a Clause in the Councils Letter to the Lieutenants of the Counties, in which they were levied, that if other good men could be had, the trained men should be spared; and the Deputy-Lieutenants upon this ordered it so, that not so much as the Serjeants and Corporals were trained. 2

The two Scottish wars provided the fullest test of the trained bands but it was still only a partial test and one which served to reveal their political unreliability rather than their military incompetence. The "middling sort" in the trained bands were unwilling to fight for the political and religious policies of Charles I. The military efficiency of the trained bands was not put to the test in these wars for the units which were broken so easily by the Scots were heavily diluted by untrained substitutes and, in this unpopular war, morale was low. No doubt many of the criticisms of the trained bands and the conduct of musters were justified, but no territorial force train in peace time is to achieve, or

¹ Barnes, *Somerset*, p.272.

² Gilbert Burnet, *The Memoires of the Lives and Actions of James and William, Dukes of Hamilton and Castleherald . . . 1625 to . . . 1652, 1677*, pp.121-2.

even attempt to achieve, the level of proficiency demanded of a professional soldier. Whether the trained bands were as proficient as part-time soldiers of their day could reasonably expect to be is a question which defies an answer. Certainly their efficiency in the 1630s must have been hindered by the opposition to military training which constitutional doubts and rural parsimony combined to raise.

The real test of the militia would have been an invasion from the Continent, an Armada which all could see as a threat to home and hearth rather than as violent opposition to unpopular royal policies. It is fortunate for England that her trained bands were not put to this supreme test but if they had it is likely that they would have shown the same spirit as the English regiments under the Dutch and Swedish flags, the same ability to muddle through shown by England's amateur warriors in the many wars fought since the seventeenth century. The King's defeat by the Scots was a result not of the military collapse of his trained bands, but of his political defeat in England. The two Bishops' wars showed not that the trained bands could not fight but that they would not fight in the furtherance of political objectives they abhorred.

VI

THE ADMINISTRATION OF JUSTICE

Quarter sessions and assize were the most important courts in the county. Nevertheless they did not have a monopoly of jurisdiction, as the powers of the Council of Wales and the Westminster law courts were concurrent over most offences. In addition special commissions of oyer and terminer could be issued for the trial of particular offenders, as in the case of the Worcestershire Gunpowder plotters.¹ Lesser offences could theoretically be heard in the hundred court but there is no evidence that this institution was operating effectively in seventeenth century Worcestershire. The sheriff's tourn, too, had fallen into disuse as a judicial tribunal. The court leet, though in decline, was not yet defunct and continued to hear and determine petty offences in a number of manors.² Borough courts, meeting either as a leet biennially, or at more frequent intervals, handled minor offences. Even where a town's charter allowed it to try capital offenders it was usual for them to be sent to quarter sessions or assize. Perhaps more important than the borough courts, were the ecclesiastical courts which heard cases involving moral lapse, matrimonial problems and testamentary disputes.

However it was at the assizes and at quarter sessions that administrative decisions affecting the whole county were made and most criminal and civil cases were heard. It is difficult to distinguish the precise differences in the functions of the two courts. Both heard cases of felony and misdemeanour, both made the same types of administrative decision. There was, however, a tendency for the assizes to assume exclusive jurisdiction over capital offences and the administrative decisions of the judges were regarded as having greater force than those of the J.P.s.

Worcestershire was part of the Oxford circuit which included the counties of Oxford, Worcester, Stafford, Shropshire, Hereford, Monmouth, Gloucester and Berkshire. The circuit was a comparatively long one of

1 C.181/1, p.253; Special commissions of gaol delivery were sometimes issued for the city of Worcester, C.181/1, p.84, 28 May 1603; /1, p.202, 22 February 1604/5; /3, f.192^v, 11 November 1625; /3, f.228, 13 September 1627. There are other examples. A special commission for Evesham was issued 20 July 1610, C.181/2, f.127.

2 *W.Q.S.P.*, 1609 (141), x, 57, p.132. Leet kept at the manor of Tenbury; *Ibid.*, 1615 (126), xxii, 77, p.211. Margaret Bache had been presented as a common scold in the court leet of the manor of Chaddesley. She had been presented earlier for "misbehaving her tongue towards her mother in law". K.B.9/725, f.356, 28 May 1607. Returns of frankpledge manor of Kings Norton.

twenty eight days until 1627 and then thirty three, and owing to the length and generous daily allowance, which made it the second most profitable circuit, it tended to attract relatively senior judges, generally the senior puisnes, though occasionally a Chief Justice. The lucrative circuits were more likely to obtain the services of senior judges than those which were shorter or offered lower daily allowances because every Trinity and Hilary term the judges met in Serjeants' Inn and, after the Lord Chief Justice, the Lord Chief Justice of the Common Pleas and the Lord Chief Baron of the Exchequer, the "other Judges do in their order according to their antienty make choice of their several circuits".¹

On their arrival at the edge of the county the judges were met by the sheriff's bailiff and conducted towards the city of Worcester. Except in the plague years of 1609, 1616, and 1637, the assizes were held in Worcester.² Before the judges reached the city they were met by the sheriff, the under-sheriff, his bailiffs with their white staves, and his liverymen carrying halberds, and by the principal gentlemen of the county. The judges were conducted to their lodgings to rest, robe and meet the gentry before processing with the sheriff and his men to church where a sermon was given by the sheriff's chaplain. The clergyman concerned normally took the opportunity to adjure the judge to remain uncorrupt and to punish evildoers.³ After the service the judges processed with the sheriff to the place where the assize was to be held. Once there, the clerk of assize read the six writs carried by the judges, the patent of assize, the patent of association, the writ of admittance, the commission of oyer and terminer, the commission of gaol delivery, and the summons of assize, then called the roll of J.P.s, mayors, coroners, stewards of leets and liberties, and chief constables. The clerk marked each official's name (.) if present, (..) if sworn, and left blank the names of defaulters unless they were fined. There are several instances of officials being fined for non attendance at Worcester assizes. In 1608 either attendance was particularly bad or the judges were stricter

1 *Office*, p.2.

2 E.368/535, Summer assize at Kidderminster 1609; /563 and K.B.9/751, f.340^v, Summer assize at Bewdley 1616; E.368/648 and Bodl.MS. Top. Oxon., d.333, f.22, Summer assize at Evesham 1637.

3 R.B. Cockburn, *A History of English Assizes, 1558-1714*, Cambridge, 1972, p.65. Assize sermons were often printed. None is known to have survived for pre-civil war Worcester but there is a printed assize sermon of Richard Baxter preached in 1655.

than usual for several bailiffs, high constables and mayors were fined for non attendance, the mayors paying 10/-, the others 6/8.¹

Next the grand jury was sworn from panels produced by the sheriff and hundred bailiffs before the assizes. A panel of twenty-four was made for each hundred and three or four were selected from each panel. Despite the imposition of fines on sheriffs who did not instruct bailiffs to notify prospective grand jurors, or bailiffs who failed to perform their duty, and on jurors who did not appear, it was sometimes necessary to call other freeholders, even J.P.s. There were supposed to be between 13 and 24 members of a grand jury and preferably an odd number so as to have a casting vote.

After the selection of the grand jury was completed the charge was given by the judges. This was their opportunity to make a formal presentation of government policy to the county, to pass on the charge which they themselves had received in Star Chamber immediately before they commenced their circuit. The judge's speech was supposed to have the long term effect of directing the administration of the J.P.s and an immediate result in guiding the deliberations of the grand jury. After the charge, the grand jury withdrew and witnesses were sent to give evidence concerning the indictments. The first morning ended at this point and the court adjourned until 2 p.m. The adjournment was formal.

The Trumpets shall sound and the Sheriff's men, two by two with their Holberds in their hands, and the Under-sheriffs following them with their white wands in their hands, shall attend the Judge to the Sheriff's Coach, where the Sheriff often rides with him from the Court to his Lodgings. 2

It is probable that the coach ride and meal hour provided the judges with an opportunity for private discussions with the sheriff and senior magistrates of the county.

In Worcester it seems to have been the usual practice for the formal opening of assizes and the criminal trials to have been held out of doors. Perhaps the setting was like that described by Smith.

in some open or common place, there is a tribunall or place of iudgement made aloft upon the highest bench, there sitteth the two Judges which be sent downe in Commission in the midst. Next them on eche side, sitteth the Justices of peace, according to their estate and degree. On a lower bench before them, the rest

1 E.368/539. These fines were still owing in 1610.

2 *Office*, p.35.

of the Justices of the peace, and some other gentlemen or their clarkes. Before these Judges and Justices, there is a table set beneath, at which sitteth the *Custos rotulorum*, or keeper of writtes, Thexchetor, the undershirife, and such clarkes as doe write. At the end of that table, there is a barre made with a space for thenquestes and xii men to come in when they are called, behind that space another barre, and there stand the prisoners which be brought thither by the gaoler all chained one to another. 1

The building of a special tribunal had two purposes. It reduced chances of infection such as that contracted at the "Black Assizes" at Oxford in 1577, which resulted in the death of both judges and 400 others, or the outbreaks which proved fatal to the judges at Exeter in 1586 and on the Northern Circuit in 1598.² This motive was apparent at Worcester. The reason for holding the assizes out of doors was on some occasions noted as being "for the avoydance of infeccon"³ and in the plague year of 1636 the outdoor structure was moved from a city street to the Palace Green to give further protection.⁴ As noted above, assizes were held in other centres when the plague was particularly rife in Worcester, but as the prisoners were moved from Worcester gaol to the temporary assize town, this may have increased the risk of spreading disease.⁵ The assizes were held outside not only in summer, when the danger of infection might have been greater, but also in Lent. At the Lent assizes of 1636 six hair cloths were hired at a cost of 3/8 "to keep the seats drye in respect of the abundance of rayne"⁶ and in 1640 £5"4"Od was

payd for the use of two broad cloathes to hang up by the Court to keepe out the cold wynde and snowe from the Judges and for satisfaction for diverse holes and rents made in the same cloathes. 7

Though the weather must have seemed to be only slightly less dangerous than disease, every effort was made to see that the judges were comfortable. Forms, carpets, cushions and cloths were hired for each assizes at a cost ranging from 10/- to £1"2"Od.⁸ Holding the assizes out of doors

1 Smith, *op.cit.*, p.77.

2 Cockburn, *op.cit.*, p.53.

3 E.368/341.

4 *Ibid.*

5 *Supra*, p.126.

6 E.368/535.

7 E.368/656. On the other hand, E.368/598 refers to building a place to arraign the prisoners during the heat of summer in 1625.

8 E.368/614, 1629; /649, 1638; /535, 1609 notes that the total cost of providing the tribune, tents, watchmen and "other pvision to make it meete and decent" amounted to £6"10. Holding the assizes in the Town Hall, which probably did not start in Worcester until after the Restoration, must have saved substantial expenditure.

could be an expensive business, for in addition to the cost of erecting the seats and hiring furniture, men had to be hired to prevent the structure being damaged and the furniture stolen.¹

The second motive was to emphasise the dignity of the judges. Robed, surrounded by liveried attendants, waited on by local magnates, their movements announced by trumpets, the judges were given yet another mark of status by having special seats on a high tribune. Little wonder that the judges' seats were sometimes referred to as thrones.

When the court resumed in the afternoon, one judge went to another place to hear the civil cases. This was referred to as the *nisi prius* court from the words on the writ which allowed the case to be heard. All civil cases were technically Westminster proceedings and had to be commenced formally in a Westminster court. The central court would issue a writ commanding the parties to appear on a certain day unless before (*nisi prius*) that time the case had been heard by the itinerant court. There was generally a considerable volume of civil litigation and the assize judges would adjudicate separately until final adjournment.

In the Crown court the grand jury was called and asked if it had agreed upon any bills. If it had any true bills to present, trial would commence. Petty jurors were called and the accused had a right of peremptory challenge against 35 jurors in treason trials and 20 in cases of felony. The prosecution in Crown cases could challenge only for cause. When a jury was ready a number of accused were brought before it. Each prisoner was asked to identify himself by raising his hand and to state how he pleaded. If he pleaded guilty, *Cogn.* was written against his name in the gaol calendar and he was stood down until the time for sentencing at the end of the assize. If he pleaded not guilty, he was asked how he would be tried. If he answered "by God and the Country", i.e. by jury, the clerk wrote *po.se.* (*ponit* or *posuit se*) against his name. If he refused to plead the clerk wrote *stat. mut.* over his name and judgement was entered against him by *nihil dicit.* As Smith wrote

after he hath beene once or twice so interrogated, he is iudged mute, that is dumme by contumacie, and his condemnation is to be pressed to death, which is one of the cruelllest deathes that may be; he is layd upon a table, and an other uppon him, and so much weight of stones or lead laide uppon that table, while as his body be crushed & his life . . . taken from him.

2

1 E.368/341, 1636. Ten men were hired to guard the court at night.

2 Smith, *op.cit.*, p.78. E.368/625. Accounts for "pressinge to deathe one Turner a prisoner who refused his legall tryall" in 1632.

The reason for choosing this vile death was to avoid corruption of blood and forfeiture of goods to the Crown.

When between six and nine prisoners were arraigned, the sheriff returned a petty jury and their cases were heard. The jurors were given a list of the prisoners' names and alleged offences to refresh their memories, the judge made a brief summing up, they were locked in a room by a bailiff and kept incommunicado without fire, food and drink until they returned with their verdict. If the accused was found guilty, the clerk entered *cul. (culpabilis)* after *po se.*, if not guilty, the words *non cul.* He then asked whether the felon had any goods, to which the usual answer was none, and entered *null. cat.* If the jury found that the accused had fled, *se retraxit* was entered, if not, *ne retraxit*.

Once the trial of those accused of felony was completed, the court turned its attention to those charged with misdemeanours. A roll was called of all those who had been ordered to appear by judicial process. Where anyone bound to appear by recognisance had failed to appear, the recognisance was estreated and in other cases arrest was ordered or the procedure leading to outlawry initiated. As most misdemeanours were heard at quarter sessions, the procedure is discussed below.

At the end of the trial prisoners were released or sentenced. Those against whom no witnesses had appeared were acquitted by proclamation but were not released until they paid their fees to the gaoler. Those found not guilty were likewise released. Any found guilty of larceny were whipped or set in the stocks, those convicted of most other misdemeanours fined, and felons sentenced to death unless they were able to claim benefit of clergy. Those able to read the "old psalter" to the satisfaction of the bishop's commissary were branded *M* (for manslaughter) on the left thumb if convicted of homicide, *F* if convicted of any other felony, and were either released or imprisoned for up to one year. By the seventeenth century the medieval custom of handing over those granted benefit of clergy to the custody of the bishop was obsolete.

Once sentencing was completed, the clerk of assize proclaimed as recusants all who were listed by the constables as having been absent from their parish church for one month or more unless they made a defence. The judge then heard the grand jury's presentment of misdemeanours, made order upon them and adjourned the court. If the *nisi prius* side had not ended, the general adjournment was not made until it had.

Procedure in quarter sessions was similar. Before the sessions the sheriff had to give notice through the hundred bailiffs to officials and prospective jurors and make a calendar of those required to be present. This was the same as that used at the assizes except that it did not include the J.P.s, it not being compulsory for them to attend sessions. The quarter sessions were held in Worcester at Easter, Midsummer, Michaelmas and Epiphany. The statute of 12 Richard II, c.10 permitted quarter sessions to meet on up to three days if need be and Worcester sessions met for either two days or three. There is no evidence to suggest that their duration was ever longer or shorter.¹

There are no lists of attendances of J.P.s contained in the Worcestershire quarter sessions. Assize files, which in some circuits include lists of J.P.s attending sessions returned to the clerk of assize along with minutes of session's proceedings, do not exist in any quantity until after the Restoration. There is, however, sufficient evidence to give a reasonably accurate idea about the dates on which quarter sessions met, a fairly precise one about the number of days upon which sessions met in any year, and a dubiously accurate record of which J.P.s actually attended. Dates upon which sessions met can be obtained from the Lord Treasurer's Memoranda Rolls, and although the records are far from complete, they do give the actual dates upon which sessions met and enable it to be said conclusively that sessions invariably met on either two or three days. King's Bench Ancient Indictments provide supplementary information. Though the Memoranda Rolls and documents filed with the Ancient Indictments occasionally list the names of the J.P.s attending sessions it is much more common for decisions of the court to be recorded in the names of one, two or three named magnates *et alliis justiciis*.² The most complete record of attendance at quarter sessions is contained in the Pipe Rolls but the accuracy of these enrollments is open to question and it would be unwise to accord them more than limited credence.³

It is considered, however, that the Pipe Rolls are sufficiently accurate to reveal trends in attendance. About fifteen justices are listed in the Pipe Rolls as having attended at least one session during the first decade of the seventeenth century, a number which rose to almost

1 Based on evidence in K.B.9, E.368 and E.372.

2 *Ibid.*

3 V.C.H., *Wiltshire*, v, p.90; C.J.Black, "The Administration and Parliamentary Representation of Nottingham and Derbyshire", London Ph.D. thesis, 1966, pp.40-7; C.H.Glanville, "Some Aspects of the County of Surrey", University of London Ph.D. thesis, 1972, p.30.

twenty in the second decade, and fell again in the early 1630s, a time when the Worcestershire commission was particularly small, rising a little in the years immediately before the civil war as the commission was once more enlarged. Attendances at particular sessions are more difficult to assess owing to limited evidence but returns of those present during 1603 and 1604 show between fourteen and sixteen magistrates at each meeting of quarter sessions.¹ In 1631 only nine J.P.s signed a purveyance order. It is probable that all justices attending the court signed this document as only fourteen are recorded as attending any sessions in that year.² A letter to Lord Treasurer Weston concerning Worcester gaol dated 30 July 1630 has the signatures of twelve justices but as the end of July is very late for summer sessions to be held, it is possible that this letter was written at a special sessions.³ Occasionally attendances may have been very low. On one occasion only five magistrates were present but this must have been very unusual for they delayed decision on a grand jury presentment until the next sessions when they hoped for a full bench.⁴

It may be concluded, then, that there were almost always sufficient J.P.s present at sessions for both administrative and judicial business to have the benefit of diverse experience and opinions. Although only two justices, one a member of the *quorum*, were necessary for a valid quarter sessions to be held, it is very doubtful if attendance was ever as low as that. It is very likely that the sessions attended by only five had the smallest bench of any in early seventeenth century Worcestershire. It is probable that sessions attended by fewer than ten justices were rare except in the early 1630s when the small size of the commission limited attendance.

Procedure at quarter sessions was similar to that at assizes. Before the sessions the sheriff had to give notice through the hundred bailiffs to officials and prospective jurors to attend, and to make a calendar of those required to be present. This was the same as that used at assizes except that it did not include the J.P.s, it not being compulsory for them to attend quarter sessions.

When the justices had convened they were conducted to the Bench by the undersheriff and his bailiffs marching in double file. It is not known for certain where the county sessions were held in the early seventeenth century. For part of the sixteenth century they had been held in

1 E.368/513; /517; /521.

2 W.Q.S.P. 1631 (100), lxxxi, 51, pp.485-6; E.372/477.

3 S.P. 16/171/61.

4 W.Q.S.P. 1631 (99), lxxxi, 50, p.485.

the city Guildhall, but the county officers were excluded by the corporation following a quarrel in 1580. By 1631 the county sessions were held in the Guildhall once more but the date of their readmission is not known.¹ It is probable that the court was held outdoors at the Castle, or in the Bishop's Hall, both close to the city, but outside its jurisdiction, during the period it could not meet in the Guildhall. It is, perhaps, surprising that quarter sessions were held within the city even after it became an independent entity in 1621. The justices took care to conduct special sessions or monthly meetings at the Talbott in Sidbury, the nearest large inn outside the jurisdiction of the city.

The court was opened by the reading of the commission of the peace, if a new one had been issued since the last assizes or quarter sessions, or else by proclaiming that the court was in sessions and calling all men who had business there to give attendance. The roll of coroners, stewards of leets and liberties, constables and bailiffs was then called and fines set against the names of absentees. J.P.s' fines could be heavier than those of the judges. In 1610 absentees from assizes were amerced 6/8 or 10/-; at Easter Sessions the steward of the monastery of Evesham and the chief constable of the hundred of Blackenhurst were fined £5 each for non attendance.² The grand jury was then called in the same manner as at assizes, though at quarter sessions J.P.s could not serve on it. After the swearing of the grand jury, the hundred juries were supposed to be called and sworn, but the Worcestershire quarter sessions' files contain no lists of hundred juries as such, only panels of persons selected from each hundred as being eligible for grand jury service. It is likely that the hundred jury had fallen into abeyance in Worcestershire, even though it continued in neighbouring Warwickshire until after the Restoration.³

After the swearing of the grand jury, the charge was read, usually by an utter barrister of one of the Inns of Court. A "form" charge in one of the most widely used legal handbooks suggested that the grand jury should enquire into offences under three heads; those relating to the church, crimes against the state, and wrongs done to individuals. A very lengthy list of the offences punishable at quarter sessions was provided.⁴

1 Dyer, pp.371-2; *W.Q.S.P.*, 1633 (247), lvii, 72, p.527.

2 E.368/539.

3 S.C. Ratcliff and H.C. Johnson, (eds.) *Warwick County Records*, Warwick, 1941, vi, pp.xxiii-xxiv.

4 *Office*, pp.118-140. Though almost all felonies could still be heard at quarter sessions, this list concentrated on statutory felonies specifically assigned to J.P.s, and on misdemeanours.

The grand jurors were then taken to another place by the bailiff, but, unlike petty jurors, they could not be kept without meat and drink or carried out of town.¹ Prosecutors and witnesses were called and note was taken of those who had been bound by recognisance and failed to appear.

While the grand jury was deliberating, any statutes ordered to be proclaimed were read. At Easter Sessions the wages of servants and labourers were assessed in open court, the prices of soap, ale and beer were set, and every parish rated towards the relief of persons in hospitals, prisoners in King's Bench and Marshalsea, the inmates of almshouses in the county, poor soldiers and mariners, and prisoners in the county gaol. The treasurer of the fund so raised was supposed to be a subsidy man rated at a minimum of £5 in land or £10 in goods and to continue in office for one year. In fact, the few Worcestershire treasurers whose names are known, appear to have been men drawn from the same pool of clerks and attorneys that filled the other paid offices of local government. At Michaelmas sessions searchers for brass and pewter were to be appointed and two justices were to examine the sheriff's book of freeholders. The morning was usually over by this time and the court adjourned until the afternoon.

When the court resumed, the chief constables and petty constables were called to make their presentments. Following this the grand jury was asked to return its bills and the trial of those against whom a true bill was found commenced. Where felons were tried the form was the same as at assizes.

Those charged with misdemeanours were arraigned at the bar and juries selected to try them. After the reading of the indictments, the King's witnesses were called upon oath. Those for the defence were not sworn in cases of felony but they were put on oath in misdemeanour trials. Written examinations of prisoners were read if they contained evidence for the prosecution and the depositions of informers were used to prompt their memories should they falter in giving evidence. After both sides had presented their witnesses, the deputy *custos rotulorum* summed up the evidence and the jury was either sent to consider its verdict or presented with a further case. As in assize trials, each jury could be charged with deciding a verdict in several unrelated cases.

After the discharge of persons called upon process, the court turned

¹ *Office*, p.139. The difference in treatment of grand and petty juries reflected their relative social status.

to traverses. Traverse could be entered by anybody who had been indicted for trespass, mayhem, battery, riot, converting arable to pasture, or civil offences such as failure to repair highways and bridges. Those who wished to traverse an indictment entered into a recognisance to appear at the next sessions unless counsel was able to plead the insufficiency of the indictment and have it quashed. However, if it was quashed on purely technical grounds, the court could, if it saw fit, order that another indictment be drawn against the offender. Justices of the peace were not permitted to try and determine civil offences on the day that the charge was made but had to award a *venire facias*, allowing fifteen days between the test and the return of the writ so that the accused might have time to prepare his defence.¹ It is paradoxical that the trial of persons charged with minor offences, usually punished by nothing more than a fine, should involve more of the court's time than those which could cost a man his life.

Once traverses had been made and new indictments had been entered for the following sessions, trial of those who had been charged with a civil offence at the last sessions was commenced. In trial by traverse no peremptory challenge of jurors was permitted, yet in other respects the accused had advantages not available in trials for felony. He was able to employ counsel and his witnesses could be heard upon oath. It appears, furthermore, that jurors heard only one case defended by traverse. Once witnesses for both sides had been heard, the prosecutor concluded his case, the chairman of the court summed up and the petty jury retired to consider its verdict as it did in cases of felony.

While the traverse juries were considering their verdicts, the court considered the grand jury's presentments concerning recusancy and other matters. Verdicts were then heard and recorded, those bound by recognisance were called and, unless there was one good cause to continue the bond, they were discharged. The recognisances of those who failed to appear and did not send adequate excuses were assumed. If a person bound by recognisance to appear at sessions did so, but left before this part of the proceedings, he lost his bond.² If a person who had been bound to be of good behaviour was alleged to have broken his bond, a *scire facias* was made upon his recognisance and he was tried by jury.³ This was a check on the authority of the justices of the peace, for although any J.P.

1 *Office*, p.161.

2 E.368/567. Loss of bond at Epiphany Sessions 1616/7.

3 *Office*, p.174.

could bind a persons to be of good behaviour, only a jury could decide that the recognisance should be forfeited.

The court then proceeded to administrative matters and heard differences concerning the settlement of poor people and bastard children, bridges and roads out of repair, the collection of money for persons distressed by fire and rates upon a hundred where a person had suffered by robbery. Where persons or villages had been charged with neglect of their duty to repair roads or bridges they could traverse the indictment. If they did not make a defence they were fined. Licensing of badgers, victuallers, badgers and ale-house keepers was the next item on the agenda. Badgers, or dealers in corn, had to be married men aged at least thirty who were householders resident in the county for at least three years. Ale-house keepers had to produce certificates of good character from "men of trust", show that their establishment was conveniently situated and that it could provide adequate accommodation for travellers. If the court decided to grant the licence the ale-house keeper was required to enter into a recognisance with two securities.¹

Once administrative business was completed, the deputy *custos rotulorum* was presented with a list of convicts and he gave judgement. Felons were condemned to death, petty thieves sentenced to be whipped or set in the stocks, other offenders punished by the pillory, fines, imprisonment or transportation.

There was no clear cut division between the criminal jurisdiction of the J.P.s and that of the judges of assize. The act 34 Edward III cap.1 authorised them to hear and determine virtually any felony and this was reflected in their commission which gave them power *ad omnia et singula felonias . . . audiendum et terminandum*. In fact the steady erosion of their power which was to result in the exclusion of capital cases from their jurisdiction had already begun. The act of 1 & 2 Philip and Mary cap. 10 placed the judicial work of the J.P.s under the eyes of the judges by ordering them to send copies of all information concerning felony and all examinations of suspects to the assizes. After 1590 justices were ordered in their commission to leave the determination of any *casus difficultatus* to the judges. Lambarde advised J.P.s to take particular note of this restriction and in matters of doubt to

¹ *Office*, pp. 174, 179-80. It is interesting to note the way in which these licenses were restricted to those who met the social norms of marriage and stable residence.

spare to proceede to iudgement, and shall expect the presence either of some one of the Judges of the King's Bench, or the Common Place, or at the least one of the Justices of Assize of that Countie, which be their more neere and ready oracle. 1

There is some doubt, however, as to what constituted a *casus difficultatus*. Barnes points out that the term was not interpreted as restricting the J.P.s authority in cases involving difficulties of legal interpretation. He writes

It can be argued that the muddled (and expanding) law of larceny bred many more knotty problems of both substantive and adjective law than the better defined crimes of rape, arson and robbery. 2

In practice the *casus difficultatus* clause led to a decline in the J.P.s' authority over felonies. This was not a sudden change and there was considerable uncertainty in the early seventeenth century over the extent to which the justices' authority had been limited. Lambarde stated with uncharacteristic vagueness that while J.P.s were "not nowadaies much occupied" with the trial of felonies, their power was "no whit restrained to proceed before the comming of the judges".³ Dalton was more explicit, advising the J.P.s to try only "pettie Larcenies and small felonies" except for other felonies specifically assigned to them by statute,⁴ and this opinion was echoed by Chief Justice Heath when he ruled in 1633 that quarter sessions should try only "petty larcenies and other petty felonies".⁵

What is meant by "small felonies" or "petty felonies" is by no means clear. Any felony was a capital offence and it can have made little difference to an offender if he was hanged for a shilling or for a murder. Perhaps the distinction was between offences for which benefit of clergy could be pleaded and those for which the death penalty would have to be imposed. Certainly the Worcestershire quarter sessions papers show that the main capital offence tried by the J.P.s was larceny, though at least two cases of homicide came before them.⁶

It has been suggested that the grand juries at quarter sessions were inclined to value stolen goods below 12d in order to save thieves from the capital charge of grand larceny and that the J.P.s sent prisoners

1 Lambarde, *Eirenarcha*, p.50.

2 Barnes, *Somerset*, p.53.

3 Lambarde, *op.cit.*, p.553.

4 Michael Dalton, *The Countrey Justice*, p.58.

5 Barnes, *Assize Orders*, p.68.

6 *W.Q.S.P.*, p.xcvii; 1592 (10 & 11), xxxviii,7 & 9, p.4; 1613 (28),xx, 45, p.177. There were two cases of burglary at quarter sessions in 1617, a felony for which "clergy" could not be pleaded. 1617 (116),xxvii,35, p.243; 1617 (156),xxvii,48, p.247.

to assizes where the grand jury, in awe of the judge, would return a true valuation.¹ Comparison of cases heard at quarter sessions and assizes in Worcestershire provides only partial support for this contention. There are a considerable number of valuations of over 12d in the Worcestershire quarter sessions papers which shows that the grand jury can have exercised its discretionary mercy only in borderline cases. Surviving indictments for larceny, 1603-1643, number 176 and goods are valued at between 4d and £34.² In any case some of the same reluctance to convict petty thieves of capital larceny can be seen at the assizes where grand and petty juries alike refused to accept that stolen goods were valued at more than one shilling.

Such evidence as exists, however, shows that homicide was almost always tried at the assizes and that larger larcenies were usually tried there. The assize records of the late 1630s show that capital offences for which clergy could not be pleaded were normally tried before the judges, seemingly support for the identification of "small felonies" with clergyable ones. However the circuit returns of felons granted benefit of clergy as well as the Crown Case book show that many cases were tried at assizes which could equally well have gone to quarter sessions. Especially in the circuit returns, one sees the same pattern of rural larceny - many sheep, the occasional ox or horse, clothes and cooking utensils. The valuations were usually in shillings and, although one thief was found to have stolen £20, valuations of as much as £5 were extremely rare.³

Cockburn has suggested that in many cases justices may have followed common sense procedure and sent suspected thieves for trial at which ever came first, quarter sessions or assizes.⁴ It is indeed possible that this is the explanation for relatively minor cases being sent to assizes in Worcestershire, just as Barnes's idea that the J.P.s sent cases in which difficulty in obtaining conviction was expected to the judges may be correct in other instances. Perhaps there is another solution to the problem, one to which a recognisance in the Worcestershire quarter sessions' papers provides the key. This document binds a witness to appear and give evidence at the next quarter sessions "*if there be a gaol delivery*", otherwise at the next assizes.⁵

1 Barnes, *Somerset*, p.53.

2 *W.Q.S.P.*, pp.lvii-lxv.

3 K.B.9/780, f.69.

4 Cockburn, *op.cit.*, p.97.

5 *W.Q.S.P.*, 1625 (223), xlviil, 165, p.395.

It may be that J.P.s tried felonies only when there was a particularly large number of prisoners awaiting trial. Certainly the lists of indictments at quarter sessions reveal that in many years there were no offences for which bail could not have been granted and even where some such offences are listed for a given year it does not prove that a gaol delivery was held at every sessions. It is possible that the tendency to leave gaol delivery to the assizes may have become more prevalent in the 1630s and this could be the explanation for appeals from prisoners who had been in prison since before the last quarter sessions that they should be brought to trial.¹ Perhaps the greater administrative burdens imposed on the justices by the Book of Orders induced a reluctance to play as large a part in criminal jurisdiction as once they had. The restrictions on J.P.s hearing a *casus difficultatus* and the "not loads but stacks of statutes" which they had to administer may have encouraged a partial withdrawal of the J.P.s from the field of criminal justice.

The assizes heard cases of homicide, most capital cases where clergy could not be granted and a number of large larcenies as well as a number of cases which would appear to have been well within the competence of the J.P.s. The reason for the division of cases is not clear cut. Probably cases were directed to one court or the other for a number of reasons, interpretation as to whether a trial would be a *casus difficultatus*, when the next court was being held, and whether quarter sessions was having a gaol delivery. .

The majority of quarter sessions cases involved misdemeanours rather than felonies. These ranged from serious offences like riot and forcible entry to land, to a multitude of petty breaches of the law such as drunkenness and illegal selling of ale. One feature of seventeenth century court cases was the high proportion of crimes of violence. It is true that the seventeenth century was a violent age but it is necessary to remember that the legal instruments of the day used the term force for any act which was contrary to law. Lambarde wrote

a force in the consideration of law, which accounteth all that to be *vis*, which is contrary to *ius*. 2

Similarly the charge that a trespass or other offence was aggravated by being committed with force and arms implies only that weapons of some sort were carried. The cattle thief convicted at Worcester assizes of driving

1 W.Q.S.P., 1638 (22 & 23), lxiv, 92 & 93, pp.658-659.

2 Lambarde, *Eirenarcha*, pp.140-1.

off the cattle of persons unknown with force and arms' cannot have been proved t have used his weapons in the crime when the identity of the victims was unknown.¹ Thus disseisin with force and arms may imply little more than trespass. Rout involved only the gathering together of three or more persons in a disorderly assembly with the intention of committing an unlawful act;² riot could be charged if there had been any show of force by speech, carrying of armour or turbulent gestures.³ Charges of riot and violence, therefore, do not necessarily imply that actual physical force was used. Nevertheless it would be wrong to assume that violence was rare. It is clear that the habit of carrying arms was widespread and some of the numerous charges of assault heard in quarter sessions and Star Chamber must have been justified within the modern meaning of the term.

Offences concerning game and firearms were common. Though Bund regarded firearms' and game offences as being on a quite separate footing, they are best dealt with together as the motive for the laws against the carrying or firing of guns seems to have been to protect game rather than to restrict the possession of potentially homicidal weapons.⁴ The statute 2 Edward VI cap.3, which made it illegal to fire a gun charged with hailshot, is almost certainly intended to protect birds as another clause prohibits anyone under the degree of Lord and not having £100 a year from shooting any fowl. Nevertheless the phrasing of the law did allow persons to be charged with carrying or firing a gun without having to prove that they were shooting gamebirds.⁵ Other game offences included the possession of sporting dogs by persons who were not forty shilling freeholders, deer stealing, invasion of another's free warren, and taking game in standing corn.

While indictments for drunkenness, keeping unlicenses or disorderly alehouses, bastardy, vagrancy, and failure to perform public duties such as repair of roads and bridges were very common and were technically misdemeanours, these matters have been discussed as part of the administrative duties of J.P.s.

It is interesting to speculate on the quality of justice administered

1 K.B.9/730, f.571^v.

2 John Cowell, *The Interpreter*, 1607, n.p.

3 Lambarde, *Eirenarcha*, p.177.

4 *W.Q.S.P.*, p.xix.

5 *Ibid.*, 1612 (84),xix, 69,p.172; 1614 (43),xliii,41,p.195.

at assizes and quarter sessions. Holdsworth and Stephen were both suspicious of the quality of seventeenth century justice. Stephen considered that perjury was rampant.

There must have been plenty of Oateses and Bedloes at the assizes and quarter sessions who have never been heard of, and no doubt scores or hundreds of obscure people suffered for common burglaries and robberies of which they were quite as innocent as Strafford was of the high treason for which he was convicted. 1

In support of contentions of unfairness one is able to cite the example of nine witches condemned at Leicester in 1616 on the uncorroborated evidence of one boy ² and the patent bias in favour of the prosecution shown in political trials. Despite his suspicion that perjury led to the conviction of many innocent men, Stephen believed that the actual conduct of the trial allowed the prisoner to make his defence and that "the real point at issue was usually presented to the jury not unfairly". ³ More recently J.S. Cockburn has suggested that injustice was an exceptional rather than a regular feature of seventeenth century assize trials. ⁴ In the absence of transcripts of the trials it is impossible for the historian to decide whether persons were guilty of the offences with which they were charged and in any case it would be dangerous presumption to assume that the historian is better able to judge on the basis of written testimony than were a judge and jury who had heard the evidence *viva voce* and been able to assess the credibility of witnesses. It is possible, however, to arrive at some conclusions about the degree of pro Crown bias in criminal cases.

Procedure favoured the Crown. As noted above, prisoners were led chained into court, bereft of counsel and forbidden to call witnesses on oath. Despite frequent protests from jurors themselves, ⁵ juries were often charged with several cases at one time and one obtains a general impression of haste and lack of concern for the legal niceties which were so carefully preserved in civil and *nisi prius* cases. The weighting of trial procedure against the accused may have been less prejudicial to his chances than one would suppose. The general opinion of seventeenth century judges and lawyers that counsel was unnecessary in cases of felony because no jury would convict unless the evidence was so plain that no man could

1 J.F. Stephen, *History of Criminal Law in England*, 1883, i, p.415.

2 Cockburn, *op.cit.*, p.120.

3 Stephen, *op.cit.*, p.355.

4 Cockburn, *op.cit.*, p.127.

5 *Ibid.*, p.118.

contend against it has considerable justification.¹ Inability to be heard on oath gave the accused and his witnesses an opportunity to construct a fraudulent defence without fear of a perjury charge. Belief that allowing the prisoner to be sworn would force him to be his own accuser was probably the reason for the opinion that hearing the evidence of prisoners and their witnesses on oath would be too hard on the defendants.

Certainly there is evidence that juries were reluctant to convict. Bund found that fifteen per cent of all bills placed before Worcestershire quarter sessions grand juries were returned *ignoramus* in the period 1593-1643, three times as many as in 1900.² Cockburn suggests that twelve per cent of assize indictments were rejected in a similar way.³ Zachary Babington, an associate on the Oxford circuit, took for granted jurors' reluctance to find true bills in capital cases and argued against their tendency to find bills for clegiable homicide rather than inevitably capital murder, and to value stolen goods below 12d. Jurors' unwillingness to bring true bills or convict is also suggested by the widely held belief that assize judges bullied and threatened juries in an attempt to force them to bring in the verdicts they wanted and that their greater success in so doing, compared with that of the J.P.s, led to capital cases being heard at assizes rather than at quarter sessions. Even when judges did menace and threaten juries they were not necessarily successful, and, in any case, there is nothing to suggest that in ordinary criminal cases, as distinct from political trials, that judicial pressure was directed towards obtaining conviction of the innocent. In at least one case the judge's bullying of an assize jury was an attempt to obtain an acquittal.⁴ While other evidence indicates that judicial intervention in favour of the accused was less common than attempts to obtain a conviction, is a useful corrective to the idea that the judiciary always strained the evidence in an effort to convict.

The high proportion of bills returned *ignoramus* by Worcestershire quarter sessions' grand juries, the lower but probably underestimated percentage suggested for assize trials by Cockburn,⁵ and the almost forty per cent acquittals at Worcestershire assizes in the late 1630s, the willingness of petty juries to over-rule prosecution and grand jury alike

1 Cockburn, *op.cit.*, pp.121-2.

2 *W.Q.S.P.*, p.1111.

3 Cockburn, *op.cit.*, p.127.

4 *Ibid.*, p.124; Z.Babington, *Advice to Grand Jurors*, 1677, Introduction.

5 *Ibid.*, p.113. Many *ignoramus* files have been lost.

by finding persons indicted for felonious theft guilty of petty larceny and those accused of murder guilty of manslaughter, all reveal the stubborn reluctance of juries, both grand and petty, to find against the prisoner, an unwillingness to convict which was an important counter to the procedural disadvantages imposed on persons charged with capital offences. Certainly judicial intervention could bring about unfair verdicts in political trials and hysteria on the part of judge and jury alike could play an important role in obtaining witchcraft convictions but there is nothing to suggest consistent bias against the accused in ordinary criminal cases.

Examination of Zachary Babington's summary of Crown court proceedings at Worcester assizes reveals something of the way in which juries saved prisoners from the noose. His cryptic entries present many problems of palaeography and interpretation but they make it possible to discuss some of the ways juries mitigated the severity of the law. That juries often found stolen goods to be valued at less than 12d is well known, and there are seventeen examples of the petty jury returning a verdict of guilty to petty larceny when the charge had been potentially capital. In most cases the valuation of the goods which would have appeared in the original indictment is not shown in the summary entry book, though in one instance the petty jury reduced the valuation from 3/2d to 10d.¹ In only one charge is the value stated to be less than 12d and it is assumed that it is the grand jury's assessment which is given.² The reason for the small number of cases in which the valuation of stolen goods was reduced below felony level by the grand jury is uncertain, but it is possible that the usual practice was to refer such charges to quarter sessions. At each assizes a number of felons had their charge reduced, apparently by the petty jury, from non clergyable burglary, stealing more than 5/- from a house by day, or murder, to simple larceny or manslaughter. No person charged with murder but convicted of manslaughter was sentenced to death and only one whose charge of burglary had been reduced to larceny.³ The privilege of clergy was not fully extended to women until 1693 but from 1623 they were able to claim it in a case of larceny not exceeding 10/-. Thus one finds that many verdicts stated the woman thief to have been guilty of stealing goods valued at between 4/- and 9/-. As these valuations are recorded

1 Bodl.MS.Top.Oxon.d.333, f.32^v.

2 *Ibid.*, f.47. A stolen sheep was valued at 10d.

3 *Ibid.*, f.40^v.

as part of the verdict, rather than the indictment allowed as a true bill by the grand jury, it can be assumed that they were made by the petty jury.

It is apparent that at Worcestershire assizes in the late 1630s juries went out of their way to avoid returning verdicts which would necessarily lead to capital sentences being imposed. Where such a verdict was inescapably justified by the evidence and seventeenth century law, it was returned, but whether this was in response to threats from the judge, or at the jury's own volition, it is no longer possible to say.

Another issue remains; to what extent were the brutal penalties of the law imposed on those who were found guilty? By law petty thieves were to be taken to their home parish or place where the offence was committed, stripped from the middle upwards, and whipped at the cart's tail until they bled "once, twice or thrice" at the discretion of the attending justice.¹ One can only surmise that the whippings ranged from the token to the brutal depending on the character of the justice and the nature of the offence. Those guilty of other misdemeanours could be set in the stocks, especially if they were unable to pay a fine, and this punishment was often combined with whipping in the case of petty thieves. "Whipped and stocked" is a common endorsement on indictments for petty larceny preserved in the quarter sessions' records.

As mentioned above, capital punishment was the penalty for a very wide range of offences - hanging for common felons, decapitation for peers, burning for women convicted of petty treason, heretics and witches, hanging, drawing and quartering for traitors. There is no known case of a beheading in Worcestershire during the seventeenth century, but all the other means of execution were employed. The gunpowder plotters suffered the full penalty prescribed for treason either in London or at Worcester, accounts survive for the burning of a woman who had poisoned her husband, and there are numerous references to hangings.² As discussed above, the penalty of *peine forte et dure* was imposed in Worcestershire at least once and there is a cryptic and illegible entry in the Crown court book for summer 1637 which may refer to its further imposition.³ Hanging was certainly common, but just how common is difficult to say. In the sheriffs'

1 *Office*, p.183.

2 E.368/575 1619. Itm for burninge Mary Perkins the wyfe of Thomas Perkins convicted for poysoninge hir former husband for faggots xviiiis ffor pitch and gunpowder vis for makeinge the poste lynckes of Iron and staples vis viiid for Strawe iiis for sixe mens wages that made and attended the fier xvis.

3 Bodl.MS.Top.Oxon.d.333, f.14^v.

accounts one finds many references to the cost of erecting gallows after the assizes or of transporting criminals to be executed at the scene of their crime. In 1618 three witches convicted at Bewdley were conveyed to Kings Norton for execution but generally those removed for execution had committed their offence in another county.¹ It seemed to be taken for granted that infliction of capital punishment would follow each assizes. In 1609 the sheriff's accounts referred matter of factly to the hiring of guards during assizes and until "executing was finished".² There are numerous claims for the cost of erecting gallows. It is notable, however, that the possession of a gallows, unlike the stocks and whipping post which every parish was supposed to keep ready for use, was rare. The sheriff's accounts for the 1608 assizes held at Kidderminster include charges for erecting gallows "there being none before"³ and there was a claim for building a scaffold for executing the Kings Norton witches. When assizes were held at Evesham the accounts recorded a claim of 35/- for "building a new tree for the execution".⁴ Though there were two claims for building new gallows at Worcester,⁵ it was much more common for the sheriff to request allowances for the hire of ropes and ladders or a fairly small sum for doing the execution. This leads one to conclude that only Worcester possessed a regular gallows and that this may have been assembled for each assizes and then taken down for storage until it was required again. Certainly there is nothing to suggest that in Worcestershire one would have found the situation shown in paintings of seventeenth century Continental scenes where the approach to every town was lined with the hanged or those broken on the wheel. Infliction of the death penalty may have been less common than has often been supposed. While a familiar sight to the inhabitants of assize towns, hangings may have been an unknown spectacle to other provincials.

It is very likely that the incidence of executions was reduced not only by the reluctance of juries to convict prisoners of capital crimes and to the legal abuse of clergy, but by judicial lenience and Royal pardon.

1 E.368/563.

2 E.368/535.

3 *Ibid.*

4 E.368/649; E.368/563. Gallows had to be built at Bewdley in 1616.

5 E.368/547 1612. "Itm payd for Tymbe to erect a new Gallos xls."

E.368/656 1640. "ffor timber to make a newe tree for execucon the souldyers haveing cutt downe the old one and burned the same xxviis." The soldiers were almost certainly those mustered for service in the Scottish war.

It was rare for an assize to pass without a death sentence being passed but it did happen, for example, at the Worcestershire assize of August 1642.¹ Such an assize was known as a maiden assize and the legal guide books of the time detailed the special ceremonies which marked its conclusion - among other things, the judges were to be presented with white gloves. The general tenour of the descriptions suggests that a maiden assize was an uncommon, but still well known event. The magistrates could still impose capital punishment and it is certain that the death sentence was passed by Worcestershire quarter sessions twice in the early seventeenth century.² Though Devonshire quarter sessions continued to inflict the death penalty throughout the period 1598-1639, the frequency with which they did so declined steadily. In 1598 quarter sessions sentenced 39 to death compared with 19 in the entire decade 1630-39.³ These figures seem exceptionally high when Devonshire is compared with other counties. Barnes found that the death sentence was passed on six felons at one quarter sessions in Caroline Somerset, but otherwise rarely,⁴ and only two capital sentences are recorded in Warwickshire between 1625 and the civil war.⁵ While existing documents are inadequate to prove this contention beyond all doubt, it is most likely that Worcestershire quarter sessions resembled Warwickshire and Somerset rather than Devon.

Even when the death penalty was the only punishment which could lawfully be imposed, judges sometimes disregarded the legal limitations on clergy and preserved the lives of those who had committed a crime excluded from it, or disregarded the brand on those whose ability to read had already saved their necks. Judges obviously had a great deal of discretion in this respect and were able to hang or spare a prisoner according to their own conception of his deserts. The extent to which literacy was the criterion for allowing benefit of clergy is open to question. Smith wrote

If the condemned man demandeth to be admitted to his booke, the Judge commonly giveth him a Psalter, and turneth to what place he will. The prisoner readeth as well as he can (God knoweth sometime very slenderly:) then he asketh of the Bishops commissarie, *legit ut clericus* . . . If he say *legit*, the Judge proceedeth no further to sentence of death.

6

Just how "slenderly" a prisoner could read and still receive benefit of

1 Bodl.MS.Top.Oxon.d.333, f.65.

2 *W.Q.S.P.*, 1617 (155), xxvii, 47, p.247; 1619 (305), xxx, 1, p.306.

3 Cockburn, *op.cit.*, pp.95-6.

4 Barnes, *Somerset*, p.52.

5 Ratcliff and Johnson, vi, p.xxxii.

6 Smith, *op.cit.*, p.83.

clergy is uncertain. It is possible that some judges encouraged the commissary to be very lenient and there are rumours of prisoners being allowed to memorise a few verses when their total inability to read was shown by their holding the book upside down. Such stories indicate the possibility that some judges anticipated the act of 1705 which extended benefit of clergy to all first offenders convicted of crimes for which the literate had previously been able to escape the death penalty. That literacy may still have been required in the early seventeenth century is suggested by the report that Serjeant Daniel saved a felon's life by lending him his spectacles so that he might read his "neck verse".¹ L.C. Gabel concluded that the "merest acquaintance with letters was sufficient" and that the common use of the first verse of the fifty-first psalm as a test of literacy allowed the illiterate a chance of escaping death by quoting it from memory.² Where a judge felt that the death sentence ought to be imposed, he could over-rule the commissary or insist that a verse be chosen at random.³ The Crown court book for the Oxford circuit in the late 1630s contains two entries of *non legit* against the names of prisoners convicted at Worcester assizes but this does not prove that lack of literacy was in itself the reason for their condemnation. In marginal cases the attitude of the judge to the crime and the past record of the prisoner may have swayed the judgement of the commissary.

Cockburn has cited evidence that judges sometimes allowed prisoners who had already used their benefit of clergy to claim it again.⁴ This may have happened in Worcestershire but there is no evidence of it; on the contrary it can be shown that judges denied clergy to those previously convicted. There are entries of *liber antro.* in the Crown court book and the circuit returns of felons granted benefit of clergy filed among the King's Bench Ancient Indictments were presumably made to prevent recidivists obtaining a succession of reprieves. Townshend records a case at Oxford where the judge respited a thief whose brand had been obscured so that evidence of his *retraxit* could be produced and the thief condemned.⁵

It is clear that the grant of benefit of clergy was by no means automatic and that the attitude of the judge must have been of crucial

1 Cockburn, *op.cit.*, p.126.

2 L.C. Gabel, *Benefit of Clergy in England in the Later Middle Ages*, Smith College Studies in History, Northampton, Mass., Oct.1928-July 1929, p.72.

3 *Ibid.*, pp.71-2.

4 Cockburn, *op.cit.*, pp.128-9.

5 Townshend, "Notes", p.91.

importance in determining when the law should be strictly interpreted and when stretched to the limits in the interests of mercy. The care which juries took to find offenders guilty of offences for which benefit of clergy could be granted whenever possible suggests that they believed the judge would co-operate in saving the felon from the noose. In only one case recorded in the Crown court book was a felon whose offence had been reduced from a crime excluded from clergy to simple felony sentenced to death. In this instance it appears that the jury had stretched both law and evidence to bring in the verdict they did. A woman charged with burglary was convicted of stealing goods valued at 9/-, a valuation which just brought her within the limit for female thieves, but she was acquitted of burglary.¹ While it is not impossible that the genuine reason for her condemnation was illiteracy, it seems much more likely that the judge had adopted a harsher attitude to her crimes than had the jury and had consequently refused to connive at an unjustified claim to read. That either literacy was very widespread among the criminal classes or that judges were lenient is indicated by the high proportion of those convicted of offences for which clergy could be granted who actually received its benefit. While the proportion of those convicted of capital crimes who were granted benefit of clergy was only a little over half, the proportion of those convicted of clergiable offences whose lives were spared is over ninety per cent. When all the evidence is considered, it is obvious that the judge had, and often exercised, discretion to save those who read very "slenderly", but that where he felt that a death sentence was justified, he would insist on strict construction of the law.

Condemnation, and indeed all types of punishment, must be viewed in the context of a patriarchal society. B.S. Capp has suggested in an unpublished paper that petty rural offenders were brought before the courts only after a number of warnings, verbal chastisement from squire or parson, traditional community sanctions, or beating by an employer. Though the courts were constrained by law, they exercised their authority in a patriarchal fashion, suiting as far as possible the verdict and sentence to what they knew about the life of the defendant. This attitude saved the lives of many first offenders but it could lead to the condemnation of persons whose most recent crimes could be made capital only by the strictest interpretation of the law. For example, the only persons sentenced

1 Bodl.MS.Top.Oxon.d.333, f.40^v. Women could claim benefit of clergy only if the value of the goods stolen was less than 10/-.

to death at Warwickshire sessions between 1625 and 1640 were a husband and wife convicted of a succession of petty thefts, none of them involving goods worth more than 12d. It appears that the justices took the dubiously legal step of aggregating the value of the stolen goods so as to be able to impose an irreversible alternative to preventive detention.¹

Even when the sentence of death was passed, it was not necessarily carried out. Women convicts could, once the sentence of death had been pronounced, plead their pregnancy, and provided the jury of matrons found that they were "quick with child of a quick child", they were respited. In law the death penalty should have been imposed after the birth of the child, even if the woman was again pregnant by the next assizes. In that case the gaoler was supposed to be punished for allowing her to cohabit with a man.² In at least one of the two cases where female prisoners were condemned at Worcestershire quarter sessions the jury of matrons found that she was not pregnant so presumably the sentence of death was put into effect. If the literary evidence of Daniel Defoe's *Moll Flanders* is to be believed, in the later seventeenth century pregnancy claims were usually accepted at Newgate gaol deliveries and the women imprisoned or transported rather than hanged once their child was born or it had become obvious that they were not pregnant. In the early seventeenth century the law may have been enforced more strictly, but some women must have escaped hanging by pregnancy claims, real or false.

There were a number of substitutes available for capital punishment. In the late Elizabethan period condemned prisoners could be sent to the galleys and Cockburn suggests that up to half a dozen felons might have escaped the gallows at each assizes for a more protracted agony at sea. As this alternative to hanging cost the county £3 a year for maintenance of the convict, it is likely that it was more popular with the judges than with the J.P.s. Transportation to places overseas was introduced for sturdy rogues convicted at quarter sessions in 1598 and extended to felons convicted at assizes in 1617 and from the late Jacobean period military service could be offered to "lesser offenders" among the condemned.³ Probably more important than any of these mitigating devices was the issuing of pardons by Chancery, sometimes to prisoners languishing in prison under sentence of death, on other occasions to persons awaiting trial.⁴ In

1 Ratcliff and Johnson, *op.cit.*, vi, p.xxxii.

2 *Office*, pp.62-3.

3 Cockburn, *op.cit.*, pp.129-30.

4 C.231/4 and 5 contain numerous circuit pardons.

addition the Royal pardon could be obtained in specific cases. The King's mercy could extend to relief from the branding and forfeiture of goods the law imposed on those granted benefit of clergy as well as to the lives of the condemned. The last type of relief seems to have been granted mainly in cases of justifiable homicide.¹

Cockburn has suggested that only about ten per cent of those convicted of capital offences were actually executed.² This is an informed guess rather than the product of hard evidence, but it may not be far from the mark. Certainly the idea that seventeenth century courts provided a machinery for railroading masses of suspects and petty criminals to certain conviction and execution is a gross distortion of the facts. Criminal courts were unpleasant and disorderly places, their procedure provided few obvious safeguards for the rights of the accused, judges were often guilty of unseemly and unfeeling behaviour, accused and juries alike were subjected to judicial bullying, and the participants had to be hardened to the hangings, brandings and mutilations sometimes carried out in full view of the court. Yet despite their shortcomings, despite well documented instances of unfair procedure in particular cases, despite the brutality of seventeenth century criminal law, the courts must be acquitted of both consistent bias against the accused and bloodthirsty desire to inflict the maximum penalty whenever the law allowed. In a hierarchical society the courts tempered the law with paternalistic mercy at least as often as they strove to condemn.

1 *C.S.P.D.*, 1631-33, pp.85-6, provides a Worcestershire example.

2 Cockburn, *op.cit.*, p.131.

VII

POLITICS

The political structure of Worcestershire reflected the nature of society. . Participation in politics was widely diffused but leadership belonged to an elite of landed magnates. These men could not, however, ignore the opinions of the Country, of the localist masses and minor gentlemen. Rural society consisted of a number of small communities and people thought of themselves as community members rather than as individuals. Political units were aggregations of small groups rather than mass constituencies. These communities were grouped in a series of hierarchies beginning with the settlement or the parish and culminating in the nation. The county was the most important intermediate unit. The elite could rule only with the consent of the Country and this consent was given only as long as the leaders were seen to be acting in the interests of the county.

It is a mistake to examine seventeenth century politics without taking note of the strong forces of localism or to think of issues being debated in purely national terms but it is equally erroneous to regard county politics as concerned with purely local matters. Leadership in the county was provided by men whose horizons were not limited by the county boundary, whose education at university and inns of court had accustomed them to thinking in national as well as county terms. Many of the county leaders had estates extending into several counties, some had investments in national enterprises, others had legal experience which had broadened their outlook. The county magnates were men whose interests, education and experience made them mediators between the nation and the county community. The national status of the magnates was firmly rooted in their local ascendancy; their position in national affairs enhanced their standing in the county.

The political struggles of the county community were of three main types, those which involved no more than competition for prestige within the county elite or division over some local issue, those which resulted from conflict between the county community and the central government, and national concerns which divided the county as well as the nation. National issues could intrude into county politics if the Country objected to particular policies of the central government and developed grassroots opposition without open leadership from the elite. An example of this type of opposition is that which developed to ship money. When national

issues which had no direct bearing on the interests of the county were involved the magnates found it difficult to obtain active support from localist Country opinion. High taxation and centralisation were issues which aroused indignation among the lower ranks of the political nation and which could lead to resistance even when there was no direct participation by the elite.

There were a number of different avenues for political debate. Within the county the most obvious forum was the Parliamentary election but rival factions could test their strength at quarter sessions and assizes, they could engage in legal battles in the Westminster courts, lobby the King through courtiers, indulge in civil disobedience or even risk the consequences of furthering their cause by violence.

Though Parliamentary elections were only one of several means of striving for a political objective, they were in many ways the most important. In the early seventeenth century the county and city of Worcester returned a total of nine members of Parliament. The county, the city of Worcester, Evesham and Droitwich returned two members each, the borough of Bewdley, one. In many cases elections were unopposed, even those for knights of the shire. The magnates arranged among themselves who would be nominated and if agreement was reached there would be no open contest. When an election did take place the knights of the shire were elected by the freeholders at the county court but as no freeholders' book has survived it is not known how many people had the right to vote. In October 1640 1270 votes were recorded at the poll but it is difficult to determine whether this was typical of numbers at an election. The political agitation of the time must have attracted more freeholders to the county court than normal but some would have left before the polling ended and, in any case, the sheriff's return was challenged.¹ Perhaps 1000 voters would have been more typical of a Worcestershire parliamentary election. The number would, of course, vary according to the amount of pressure to attend. When elections were unopposed there would be no need for persons without other business at the county court to be present. When there was a contested election members of the landlord class exerted their influence to ensure that their tenants voted in accordance with their landlord's wishes. In the election of 1604 some of those canvassed to vote for the Catholic-northern interest agreed to do so when told that their landlady had given

1 D'Ewes (N), p.463.

them permission, but when they discovered that she had not, they voted according to her instructions, not those of the canvassers. There is no evidence of landlords coercing their tenants but in a deferential society it was taken for granted that tenants would follow the lead of the squire. Electoral candidates first sounded members of the landlord class to ensure that they had enough support to avoid humiliating defeat, and, if they decided to stand, obtained pledges from their friends that they and their tenants would give their voices for them at the election. Once the political allegiance of the landowners was established, candidates who did not have a reasonable chance of success withdrew from the campaign. In 1640 William Sandys and Richard Graves canvassed for support but do not appear to have contested either election owing to the opposition of the strong Russell interest.¹ Inducements might be offered to persuade tenants to attend an election. In 1604 payment of expenses was offered but even this would not ensure that potential voters would remain at the county court if a poll was held. Electors were normally called to the poll by hundreds and it was recognised that sheriffs could sometimes determine the result of an election by calling first those hundreds in which the candidate they favoured had the most support, knowing that a large number of voters would not be prepared to spend tedious hours waiting for their hundred to be called. A letter from William Russell to John Russell concerning the election to the Long Parliament shows both the confidence of the gentry that their tenants would support their interests if they voted and the difficulty of keeping them at the county court when a poll was held.

I ame to thanke you for yo^r favor in sendinge yo^r sonne wth yo^r tennants to the Election of knights for this Parliament, when I sawe the busines would not be decided wthout goinge to the Pole, I thought it best to dispatch those of our side first in whome I had least intrest, for feare they should slip from us; reservinge my nearest frends for the last, when others should growe wearie of attendinge; so I put yo^r sonne to a duble Journey, and greater expence because I did build more on him (att a time, of neede) then many others.

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The number of contested elections is unknown. Those of 1604 and October 1640 resulted in disputed returns and in 1620 political feeling in Worcestershire was running so high that the Council of Wales prohibited the carrying of weapons at the county court.³ Unfortunately no evidence

1 W.R.O. 705: 24/647 (3).

2 W.R.O. 705: 24/623 (30), 26 October 1640.

3 Egerton MS 2882, f.104.

has survived of the unsuccessful candidates or the issues at stake. The men who represented the county were members of leading families - the names Lyttleton, Bromley, Sandys and Pakington crop up over and over again. Only in the Long Parliament elections of 1640, when political feelings were much stronger than usual, and when the sheriff was an ardent supporter of the successful candidates, were men whose families had not previously represented the county elected as knights of the shire.¹

Worcester was one of the few cities in the country which was normally represented by its own citizens in the sixteenth century.² Though all men resident within the city had been entitled to vote during the fifteenth century, the franchise had been restricted to members of the corporation by 1554 when an unsuccessful attempt was made to extend voting rights to all freemen. In the late sixteenth and early seventeenth centuries elections were conducted at a combined meeting of the twenty-four and the forty-eight. From 1553 to 1640 citizens were elected in every election except those of 1625, when Sir Walter Devereux and Sir Henry Spelman were returned, and 1626, when Spelman shared representation of the city with a citizen, John Haselocke. Devereux, a prominent Warwickshire gentleman, had recently moved his interests to Worcestershire, and it is probable that the city was put to extraordinary pressure to provide a seat for him.³ Spelman was a Norfolk gentleman who does not appear to have had any other connection with the city or county.⁴ It is probable that he was brought in on Devereux's coat-tails. Dyer is almost certainly correct in attributing Worcester's independence to the absence of any dominating family in the county and its relative wealth which enabled the city to pay wages to citizen members without finding the expense an intolerable burden.⁵ In 1625, however, the gentleman members served without remuneration, but this gratuitous service was probably conventional rather than the result of any temporary financial stringency in the city.⁶

The independence of the city of Worcester was not duplicated in the boroughs within the county, all of which elected either county gentlemen, lawyers, or nominees of the Court. All the Worcestershire boroughs were enfranchised or restored during the sixteenth or early seventeenth century. Droitwich had sent members to Parliament from 1295 to 1311, but no further returns are found until 1554, probably, as Williams claims,

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- 1 *Infra*, pp. 228-30.
 - 2 Neale, *op.cit.*, pp.155-184.
 - 3 Nash, *op.cit.*, ii, pp.73-4.
 - 4 *P.H.W.*, p.95.
 - 5 Dyer, pp.214-5.
 - 6 *W.C.O.B.*, f.91.

because the borough found the cost of representation too high.¹ It is difficult to identify the Droitwich members in the early years after representation was restored but some seem to have been residents of the town, others members of county families. In the seventeenth century the burgesses normally returned country gentlemen, the outstanding exception being the courtier Endymion Porter, elected to the Long Parliament in place of the strongly anti-Court barrister, John Wilde. He may have been returned through the influence of Lord Windsor. Another Droitwich member who is remembered more as a national than as a Worcestershire figure was Sir Edwin Sandys, younger brother of Sir Samuel Sandys of Ombersley, who made his mark as a leader of the Country opposition in the early Jacobean Parliaments.²

Evesham sent two members to Parliament in 1295 but was not represented again until 1605 when the Charter granted to the borough restored the right to elect two members. The franchise was restricted to the mayor, corporation and capital burgesses, the latter being appointed by the mayor and corporation, the maximum number of voters being the 24 named to the return of 16 October 1640.³ Richard Cresheld, a Norfolk man by birth and a barrister who became recorder of the borough, represented it in 1625, 1628 and 1640. Another well known representative was Robert Bowyer, Keeper of the Rolls of Chancery, Clerk of Parliament, and diarist of the Commons in 1606-7. He was born of a Buckinghamshire family, though his father had preceded him in his career as archivist as Keeper of the Records of the Tower, and he may have been related to the Bowyer family of the borough.⁴

The last Worcestershire borough to be enfranchised was Bewdley which received the right to elect a single member in 1605. The franchise was restricted to the bailiff and chief burgesses, the borough was listed for a royal nominee in 1623 and 1640, and all the members before the civil war had Court connections. However Bewdley showed a certain independence in 1640 when an unsuccessful attempt was made in both elections to retain Sir Ralph Clare against the new nominee, Sir Henry Herbert.⁵ This election provides an example of the interaction of Court and local politics as both candidates were courtiers whose families had long-standing connections

1 *P.H.W.*, pp.116-7.

2 *D.N.B.*, Sir Edwin Sandys

3 Keeler, p.73; *P.H.W.*, pp.164, 166.

4 *The Parliamentary Diary of Robert Bowyer, 1606-1607*, ed. D.H. Willson. Minneapolis, 1931, *passim*.

5 *P.H.W.*, pp.163-6; Keeler, p.73.

with Bewdley. It would appear that their struggle for local pre-eminence took place at Court and that Herbert, as Master of the Revels, was better placed to win the nomination.

Most of the nine members returned by the city and county of Worcester at each election were men who had close connections with the county. The knights of the shire were always county magnates, the representatives of the city were almost invariably citizens, and only a minority of the men returned by the boroughs lacked strong connections with the county. In most Parliaments there were five or six Worcestershire gentlemen and two merchants from the city. Even the Court nominees were men with estates in the county. Analysis of the M.P.s elected in Worcestershire confirms the impression that there was no dominant family in the county. Representation in Parliament was an honour shared by a small group of county magnates. The small number of carpet-baggers elected by the boroughs reflects both the collective strength of the ruling families and the absence of any territorial lord powerful enough to appoint his nominees. Worcestershire returned men whose main interest in Parliament was the good of the county. Few were primarily courtiers or politicians.

Worcestershire had long been regarded as one of the strongholds of Roman Catholicism and many leading Worcestershire families were Roman Catholic - the Blounts, Sheldons, Winters, Talbots of Grafton, Hornyolds of Blackmore Park, Actons, and the Lyttletons of Chaddesley Corbett were among the most prominent Catholic families in the early seventeenth century. However, the numerical strength of Roman Catholicism appears to have been exaggerated by writers such as Usher, who contended that as many as 30% of the Worcestershire were openly or secretly Catholic in 1603.¹ The number of Catholics convicted at quarter sessions or assizes was never large. Even in the "Great Presentment" of 1642 only 223 Catholics were charged at the Worcestershire quarter sessions.²

In the reign of Elizabeth Catholics were politically active, led at first by the Marian courtier, Sir John Bourne. Plots to bring Mary, Queen of Scots to the throne had support in the county, especially from the Habingtons.³ Sir John Lyttelton, who died in prison after participation in the Essex rebellion, may have been a Catholic, though he does not appear to have been a convicted recusant.⁴ Support for Essex was not confined to Catholics, however, for the other Worcestershire man convicted for participation in the Essex rebellion was Sir Henry Bromley, who was certainly a

1 R.G. Usher, *Reconstruction of the English Church*, 1910, i, p.158.
 2 *W.Q.S.P.*, p.cxciv.
 3 *D.N.B.* Thomas Habington.
 4 Nash, *op.cit.*, i, p.495.

Protestant. Bromley was pardoned and Lyttleton's forfeited estates were restored to his family.¹

When James came to the throne, the Catholics looked to the new king to relieve them from their disabilities. They hoped to influence him by having their friends elected to Parliament. Protestants in the county were determined that the Catholics' candidates should not be elected. In the 1604 election there were two factions in the county and religion was the main issue dividing them.

It was charged that the Catholics began to make their plans as soon as King James entered the kingdom and that they were able to build a party of about 200 persons.² There was some confusion about which candidates they should support. A witness in the Star Chamber case which followed the election reported that

the said Papists and their adherents did endeavour to procure Sir Edmond Harewell knight to be elected one of the knights for that pliament, But whom they nominated . . . to be the other knight of that pliament, there was noe Certeyn report at all untill the tyme of the election for sometymes John Talbot of Grafton esquier, Some- tymes Sr John Packington knight, some tymes Sherington Talbot esquier were nomynated. 3

Their first preference seems to have been John Talbot but he was "unmeete for the place" because he was a convicted recusant and one who would not have taken the oath of supremacy.⁴ Sir John Pakington was favoured because he was sympathetic to the plight of the Catholics and had considerable influence at Court. He was, however, a rather unwilling candidate, agreeing to stand only after numerous requests.⁴

Well before the election, the Catholic party began canvassing for support, and, it is alleged, persuaded those who were not freeholders to vote. Among the leading campaigners were Stephen and Humphrey Lyttleton, later executed for participation in the rising which followed the Gunpowder Plot, and Thomas Habington, convicted but reprieved for sheltering priests after it. Prominent Catholics engaged in the campaign were John Talbot, Ralph Sheldon, Robert Winter, Sir John Acton, Lord Windsor, Edward Cowles, Sir William Fortescue, and Sir Edward Blount. They had the support of Sir Francis Clare, Sir William Whorwood, and the election candidate, Sir John Pakington. While it is not impossible that the Protestant supporters had latent Catholic sympathies, there was an element of regional conflict in the election for most of those regarded as supporters of the Catholics

1 Nash, *op.cit.*, i, p.495; *A.P.C. 1601-1604*, pp.144, 158.

2 St.Ch.8/201/17, ff.13^v, 18.

3 *Ibid.*, f.14^v.

4 *Ibid.*, f.12.

had theire Chiefe place of abode & dwellinge at such tyme as they inhabited wthin the Countie of Worcs in or nere to a pte of the shier called the Halfshire. 1

The Catholics concentrated their campaign in the northern part of the county where most of their strength lay. Witnesses who had been approached by the Catholic gentry or their agents resided, for the most part, in or near Bromsgrove and Stourbridge, though there was some Catholic activity in Pershore and Madresfield. Their principal failure in the north was the resistance of Merriel Lyttleton. It is uncertain whether they took her support for granted or whether they, knowing she was absent from the county, planned to gain the votes of her tenants by subterfuge. The election agents claimed that she had authorised them to vote for the nominees of the Catholic squires, but when Mrs Lyttleton returned to the county, she denied that she had given her consent and instructed her friends and tenants to vote for Sir Henry Bromley, Sir William Ligon or Sir William Walshe.²

There was probably a mixture of motives in Merriel Lyttleton's refusal to support the Catholic and northern interest. Bromley was her brother but she claimed to be motivated by religious considerations, saying

although her Cosin Mr Talbot was a gent worthie the place and one whom she loved dearely yet forasmuch as he and she differed in religion she could not in conscience yield thereunto. 3

If she believed that the existence of a Catholic party would be displeasing to the King she could not risk supporting it lest she jeopardise the restitution of estates for which she had thrown herself at the feet of the King. The family of a man convicted of treason could not afford to offend the Court - or Robert Cecil. Her situation was similar to that of Sir Henry Bromley who had promised to use all his local influence in the Cecil interest in return for Cecil's aid in obtaining his pardon.⁴

The Protestants in the county were obviously afraid of the strength of the Catholic party and their Halfshire allies. A large body of Catholics had attended the county court nearest Christmas day, when they thought the election was to be held. The bishop took fright at the strength of the recusants and decided to use all his influence in favour of Sir William Ligon, should he agree to stand.⁵ It is not known the bishop made a special approach to Bromley, asking him to stand,

1 St.Ch.8/201/17, f.15.

2 *Ibid.*, f.14.

3 *Ibid.*

4 *H.M.C. Salisbury*, xi, p.240.

5 St.Ch.8/201/17, f.13^v; Like Bromley, Bishop Gervase Babington had been a supporter of the Earl of Essex. *D.N.B.* Gervase Babington.

but once he entered the campaign Sir William Walshe, another prospective candidate, resigned his interest to him and the Protestant party canvassed thereafter in the same way as its opponents. Campaigning for Ligon seems to have been concentrated in the Powick and Pershore areas. In the former, one Richard Addys and his servant, Richard Webbe, are said to have visited almost all homes and, in some cases, to have offered repayment of expenses to all who would vote for Ligon, freeholders and non-freeholders alike.¹

The confidence of the Catholics in their own strength is shown by John Talbot's advice to Ligon that he should withdraw from the election lest he have the disgrace of the repulse and this attempt to force Ligon out of the race was taken sufficiently seriously by Robert Walwyn for him to make a list of the leading county gentry "to see whether papists or protestants had more voice" and in what parts of the county the strength of each party lay. He found that Ligon had been assured of the support of the Bishop, the Dean and Chapter, Sir Thomas Coventry, Sir Henry Bromley, Sir Thomas Leighton, Sir William Walshe, Sir Edward Pitt, Sir Samuel Sandys, Sir Thomas Biggs, Sir Francis Egiock, Sir Phillip Keighly, Sir Thomas Russell, Sir Richard Walshe, John Washbourne, Arthur Salway, William Savage, Walter Savage, Francis Dingley, Thomas Folliot, George Wilde, Walter Jones, William Horton, John Fleet and Sir George Blunt.² Of the Worcestershire J.P.s only Sir John Pakington, Sir William Whorwood and Sir Francis Clare were on the other side. Thus supporters of Harewell and Pakington included few J.P.s and a large number of known recusants.

Though the main division was between Catholic and Protestant, there was an element of the perennial north-south rivalry which was to be apparent even within the Royalist party during the civil war. It is clear, however, that contemporaries saw the division as primarily religious. Despite the existence of Protestant allies and candidates, the gentlemen listed as leaders of one party were the heads of the most important Catholic families in Worcestershire and most of those who complained of intimidation at the election were Catholic gentlemen such as Henry Cook of Shiltwood and George French of Pershore.³ It is significant, too, that the Bishop was pre-eminent in the formation of a party to counter the Catholic and northern group⁴ and that the supporters of Bromley and Ligon referred to their opponents as the "Papistical party", Papistes and Complices",

1 St.Ch.8/201/17, ff.4-8^v.

2 *Ibid.*, f.15.

3 *Ibid.*, ff.4-5^v.

4 *Ibid.*, f.14^v.

and "Recusnts" while Ligon, in particular, was the Bishop's choice as one that "professed and favoured the Religion now by authoritie established".¹

At least one voter claimed that he refused to vote for Harewell when he discovered that he was the candidate favoured by the Catholics for he

thought that the papists & recusants would not elect Sr Edmund Harewell unlesse hee weare fitt for theire purpose, And at the election this dept gave one voice wth Sir Henry Bromley knight the other wth Sir William Ligon knight knowinge them to bee good ptestants & religious gentlemen.

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These facts may be used to dispose of the possible objection that the depositions, taken after the failure of the Gunpowder Plot, were designed to fabricate evidence of earlier Catholic conspiracy. The evidence of Catholics themselves supports the contention that two factions of a primarily religious nature strove for supremacy at the election. Knowledge of later events may have led to a slight playing down of regional rivalry and Protestant support for Harewell and Packington but it is clear that only a few Protestants voted for these men and that most Catholics were in their favour.

The Essex rebellion had failed, many of its leading supporters had changed sides, the King had not relaxed the penal laws, the attempt to have Catholic interests represented in Parliament had failed. In their frustration some Catholics turned once more to that most desperate of all political remedies - violence.

The way in which disappointment with the King's continuation of financial penalties provoked rebellion was expressed by Sir Everard Digby. Catholics had not risen under Elizabeth because she was

the laste of her line: and laste in expectance to run violant courses agaynst catholikes for then was it hoped that the kinge that now is would have bene at leaste free from persecuting as his promise was before his cominge into this Realme; and as divers his promises have bene since his cominge: sayinge that he would take no sowle mony nor blood . . . and tould them /Catholics/ it was the Kings pleasure to foregive the payment of Catholikes so long as they should cary themselves dutifully and well. All these promises every man sees broken.

The breach of promise and the Attorney-General's book claiming that every Catholic was a traitor provoked the plot.³

The Gunpowder Plot grew out of the frustration felt by Catholics when they obtained no relief from financial penalties or the persecution of their priests in the new reign. It is probable that the plot was first

1 St.Ch.8/201/17, f.14^v.

2 *Ibid.*, f.15^v.

3 S.P.14/17/10.

planned by Robert Catesby in May 1603, but hopes that James would suspend the penal laws delayed its execution. In February 1604 the proclamation for the banishment of priests led to a revival of the scheme and the first Worcestershire knowledge of it. Catesby wrote to Thomas Winter, brother of Robert Winter of Huddington, inviting him to London where he was introduced to John Wright and persuaded to join the conspirators.¹

Though Thomas Winter had hesitated when first approached by Catesby, he became one of the most active members of the conspiracy. It was he who went to Flanders to plead with the Constable of Castile to intercede for English Catholics during the peace negotiations. In this he was unsuccessful, but he brought Guy Fawkes into the scheme. In May Robert Winter was informed of the plot and persuaded to join it. These two were the only Worcestershire Catholics to become implicated before 5 November 1605.²

Catesby had arranged for a body of troops raised by Lord Arundel of Wardour to serve under the Spanish flag in the Low Countries to return to England when the time was ripe, but it was obviously necessary to have substantial armed support in the period of confusion which would follow the explosion, yet making the plan more widely known would increase the risk of detection. The solution was for Digby to invite a large number of Catholic gentlemen to Dunchurch, at the borders of Warwickshire and Northamptonshire, on the same day that Parliament was to meet. Many Worcestershire Catholics were asked to attend and it was hoped that others, such as Sir John Talbot of Grafton and Thomas Habington of Hindlip would join them later.³

When the plot was discovered, the London conspirators rode post-haste to Dunchurch and the leaders had to decide whether to surrender or lead a desperate rising against a living King, surviving Parliament and infuriated Government. Under pressure from Catesby they decided on the hopeless course of revolt. The Midlands' Catholics were forced to declare their allegiance. No one knows how many might have risen had they believed that success was possible, but for most Catesby's confession that they had failed to blow up Parliament was more persuasive than his efforts to convince them that the King and Salisbury were dead. Sir Robert Digby and Humphrey Lyttleton refused to join them and many others voted against the venture by riding away.⁴

The rebels were able to raise no more than 100 men and the number fell to 36 after Thomas Habington and John Talbot failed to join them.

1 S.P.14/216/114. Confession of Thomas Winter, 23 November 1605.

2 *Ibid.*

3 *Ibid.*; S.P.14/16/63. Confession of Francis Tresham.

4 S.P.14/16/94. Examination of Sir Everard Digby, 19 November 1605.

The remainder barricaded themselves in Holbeach House where they were weakened by the explosion of their own gunpowder before they were over-run by the *posse comitatus* of Worcestershire. Of the Worcestershire Catholics, only the two Winters had participated in the actual plot, and only Stephen Lyttleton had joined at Dunchurch. These three were executed together with Humphrey Lyttleton, who had sheltered his brother. Thomas Habington was sentenced to death, but reprieved, for concealing priests implicated in the rising.¹

There had been no mass rising of Catholics in Worcestershire, yet it is clear that James's failure to make concessions had produced great unrest throughout the country. In Worcestershire the Catholics were divided. Those who thought that their greatest hope of relief lay in loyalty, in working within the existing system of government, had as leader John Talbot, the man who built the Catholic party in the 1604 election but refused any help to the rebels even though one was his son-in-law. Talbot was under less financial pressure than many Catholics, however, for although he was one of the 13 Catholics paying £20 per month at the end of Elizabeth's reign, he obtained pardon for all forfeitures and penalties for recusancy in October 1604.² There is, however, no record of Habington, another recusant who compounded at full rates, being pardoned for the financial penalties, and he too drew the line at rebellion despite his willingness to risk his life by sheltering priests. There was, however, an activist minority among the Catholics which had participated in the Elizabethan plots, the Essex rebellion and the Gunpowder Plot. In part, perhaps, because the chances of success were so small, few Catholics were prepared to join the rising in 1605.

After 1605 the Catholics lay low until the Civil War. They do not seem to have played an active role at elections; certainly they were never candidates. They took virtually no part in county government. However, the second Lord Windsor served the King at sea and was instructed to assist the deputy-lieutenants, sheriff and J.P.s improve the defences of the county in 1625.³

During the first few years after the Gunpowder Plot, the Catholics were unable to participate in politics. The gentry confined themselves to their estates and country pursuits. Thomas Habington, said to have been pardoned only on condition that he never leave the county, engaged in antiquarian scholarship.⁴ Some families managed to send their children

1 S.R. Gardiner, *History of England*, i, pp.260-4; *D.N.B.*, Thomas Habington.

2 *C.S.P.D.*, 1603-10, p.153.

3 *Supra*, p.22; S.P.16/93/11.

5 Habington, *op.cit.*, i, Introduction. This condition is said to have been imposed after his implication in the Babington Plot.

abroad or have them educated by Catholic tutors, others accepted a non-Catholic education at English schools and universities.¹

Catholic activism did not re-emerge after the Gunpowder Plot for three main reasons. In the first place, Catholics came to accept their position as a minority in a Protestant country. The possibility of a Catholic successor had kept alive hopes of reconverting England during the reign of Elizabeth, but chances of a Catholic heir seemed remote under the first two Stuarts. Secondly, Catholics were treated less harshly towards the end of James's reign and under Charles, something which made life as members of a minority community more tolerable. The financial penalties of recusancy became less severe. In the early Jacobean period Recusancy Commissioners actively sought out Catholics and a Worcestershire under-sheriff believed to have hindered them was charged in Star Chamber² but collection of recusancy fines was gradually eased. Despite Parliamentary pressure and the schemes of many projectors for increasing revenue from recusancy fines, they were seldom collected in full and often remitted entirely. Though the grant of recusants under the signet was a way of rewarding courtiers, it allowed the friends of recusants to become grantees and restore the income they received. Once the passions of the Gunpowder Plot had subsided it became increasingly difficult to convict Catholics for recusancy at quarter sessions and assizes, though this did not prevent private prosecutions being brought in Exchequer, a device used against Worcestershire Catholics only in the Jacobean period, or those who went to the capital being prosecuted at London or Middlesex sessions.³ The possibility of conviction in London was a serious problem for greater gentry families such as the Russells of Little Malvern, though they were sometimes helped by friends who warned them to stay at home when there was a particular risk of prosecution in London.⁴ Despite private prosecutions and attempts to convict country Catholics at London sessions, few Catholics were forced to pay recusancy fines under Charles. No Worcestershire recusancy fines were collected in 1628, only £25"10"6d in 1634, and £31"18"10d in 1638.⁵ Aware of the Puritan pressures for stricter enforcement of the recusancy laws,

1 S.P.14/80/57. In 1615 eleven Worcestershire Catholic families had sons studying at St Omers. Members of the Catholic Habington and Sheldon families attended Oxford, *supra*, p.37. At least 16 members of Worcestershire Catholic families attended an Inn of Court between 1580 and 1660.

2 *Supra*, pp.124-5.

3 W.Q.S.P., p.cxciv; *Middlesex County Records: Indictments, Recognisances etc*, ii and iii, (ed.) J.C. Jeaffreson, 1886-92; *London Sessions' Records, 1605-1685*, (ed.) H. Bowler, 1939.

4 W.R.O. 705: 24/623 (21); 24/624; 24/871.

5 E.351/415 (1628); /421 (1634); /425 (1638).

most Catholics were content to remain as inconspicuous as possible and avoid provoking further persecution.

For most Catholic country gentlemen the revival of their religion at Court was a mixed blessing. The two Catholic queens may have stayed the execution of some priests and might have played some part in checking the full enforcement of recusancy laws, but aware of the antagonism felt by country gentlemen and the general populace towards Court Catholicism, most were unwilling to identify themselves too closely with it. As the old ties of friendship and family came to predominate over their religious differences in most relationships of the Catholics with their Protestant neighbours, the former were reluctant to risk renewed hostility by associating themselves with an unpopular institution at Court.

When James I came to the throne Catholicism had considerable political influence in Worcestershire and there were many Catholics in the county who hoped to see the Acts of Supremacy and Uniformity repealed. Faced with a political threat from Catholics, most Protestants were prepared to join forces with each other and with the Crown. After the defeat of Catholic activism, fear no longer united the Crown and the Protestant gentry. Open hostility to Catholics was more and more confined to Protestant ideologues. With the outbreak of the civil war Catholics had reason to fear the victory of Puritans who believed it was their duty to extirpate the remnants of Popery from England. The Catholics had long abandoned any hope of reconverting England, except in the very long term, and the most favourable situation they could expect was the limited toleration they enjoyed under Charles. It is not surprising that many Catholics gave their active support to the King in the civil war.

Under Charles I the religious differences which had the most political importance were those between the Laudians and the Puritans. No longer faced with a real Catholic threat in England, the Protestants were under less pressure to maintain a united front than they had been under Elizabeth. The greater security of English Protestantism in the seventeenth century allowed the divergent trends within Protestantism to become more apparent. Under Charles a group of High Church clergymen, many of whom were influenced by Arminian doctrines of grace, came to dominate the Church of England and their innovations created resentment among many who had been perfectly happy with the Church as it existed under Archbishop Abbot as well as reviving the desire of the more extreme Puritans for radical reformation.¹

¹ N. Tyacke, "Puritanism, Arminianism and Counter-Revolution", in C. Russell (ed.), *The Origins of the English Civil War*, 1973, pp.119-43, and R. Clifton, "Fear of Popery", in *ibid*, pp.144-167, provide excellent studies of religious differences and their interaction with politics.

Worcestershire does not appear to have been subject to any strong Puritan influence. In the city there was sufficient interest in preaching for a lectureship to be established, but the small number of radical Puritans were members of the lower ranks of society.¹ In the early Jacobean period few of the clergy in the diocese of Worcester were sufficiently Puritan to be in danger of deprivation. At that time it was the Catholics rather than the Puritans who were regarded as the greater threat to the Anglican establishment in Worcestershire.² Though it is impossible to be certain, it is doubtful if there was any anti-episcopal movement among the Worcestershire magisterial class before the civil war. It is probable that most Worcestershire Parliamentarians were moderates in religion, as willing to retain bishops in 1640 as they were to restore them in 1660.

Resistance to the Established Church did not become an issue in Worcestershire until the 1630s and even then it was confined to the city. Successive High Church Deans had introduced Laudian ceremonial into the cathedral and they were reluctant to allow the city lecturer to preach. Removal of the tiered seating where the city fathers sat in state brought the quarrel to a head, but it is apparent that the citizens of Worcester objected to Laudian innovations, not to the Anglican Church itself. If the members of the Corporation were Puritans, they were moderates, anti-Laudian Anglicans rather than sectaries. That the dispute was with the cathedral authorities rather than the Church itself is shown by the willingness of the city to ally itself with the Bishop, who had his own reasons for quarrelling with Potter and Mainwaring.³

By the late 1630s there were probably a small number of sectaries in the county⁴ and it is clear that the influence of moderate Puritanism had extended into the towns, but there was no mass support for it. On the contrary, Richard Baxter reported that the mob in both Kidderminster and Worcester was hostile to anyone regarded as a Puritan⁵ and Nehemiah Wharton wrote in 1642 that the city of Worcester was "so vile and the country so base, so papistical, and atheistical, and abominable, that it resembles Sodom and is the very emblem of Gomorrah".⁶ It is clear that radical Puritanism had very little support in Worcestershire.

1 Dyer, pp.238-9.

2 Usher, *op.cit.*, p.250.

3 S.P.16/432/26; /80; /81; Dyer, p.233. Daniel Tyas, the mayor who championed the cause of the citizens, was knighted for his service to the Royalist cause during the civil war.

4 V.C.H., *Worcs.*, ii, p.68.

5 *Reliquiae Baxterianae*, pp.40-2.

6 C.S.P.D., 1641-43, p.397.

From 1604 Worcestershire was involved in a major struggle between the four English shires which were subject to the jurisdiction of the Council of Wales and the forces of centralisation. This protracted struggle contained elements of Court-Country conflict, involved rivalry between equity and common law, and showed the pivotal importance of the King in the seventeenth century constitution. The attempt to gain exemption passed through four main phases. In the first the main protagonists were the lawyers and attempts were made to find a remedy in the courts, in the second, the county gentry used Parliament as their weapon, in the third the gentry engaged in a campaign of civil disobedience, and, finally, they engaged in factional politics at Court.

The campaign to exempt the four shires began when one J. Farley of Worcestershire dispossessed an unnamed widow of certain lands. She obtained judgement against him in the Council of Wales and, when he was imprisoned for refusing to obey the order of that Court, he applied for a writ of *habeas corpus* from King's Bench. While he may have been encouraged to do so by those who wished for a test case, it seems more likely that Farley was engaging in the common seventeenth century practice of wearing and exhausting the finances of a poorer opponent by multiple suits. Whatever Farley's motive, he soon had powerful friends. The writ was granted, the Council of Wales refused to obey, and their Porter (gaoler) was arrested and taken to London for contempt of the writ.¹ The arrest of the Porter was a demonstration of power by King's Bench and the common lawyers attempted to justify it in law. The Council was determined to protect its jurisdiction and admission that King's Bench had power to over-ride its decisions could have led to loss of judicial business to Westminster as well as to a decline in prestige. At this stage opposition to the Council of Wales was led by the common lawyers whose claims for the supremacy of common law and apparent concern that the King was losing revenue because of the fines and fees used to support the Council of Wales, barely concealed the fact that they were engaged in a demarcation dispute with their equity rivals.

By 1606, however, the common lawyers had been joined by the gentry of the four English shires under the leadership of the Herefordshire magnate, Sir Herbert Croft. In February 1606 Croft introduced a bill to exempt the four shires from the Council's jurisdiction. The Commons passed one bill, despite initial unwillingness to allow Croft to put his motion, and allowed

1 S.P.14/10/86; 13/43 and 57; B.M. Egerton MS 2882, f.51.

him to introduce a second bill after the first was defeated in the Lords. The second bill was dropped when the King introduced new instructions limiting the authority of the Council.¹ These instructions placed considerable restrictions on the authority of the Council in the English shires and led to such a loss of revenue that it was barely able to cover operating expenses. The loss of prestige and the financial difficulties led to the resignation of Lord President Zouch in 1606 and the Council was without a president until the appointment of Lord Eure in 1608.²

With Lord Eure's appointment new instructions were issued restoring the Council's jurisdiction over sexual immorality, fines from which it derived its main source of income, and misdemeanours in Wales and the Marches. It was not made clear whether the four shires were included under the term Marches and the dispute was revived.³ In Worcestershire and the other three English shires there was a campaign of civil disobedience against the Council in which most of the leading gentry participated. In January 1607/8 the deputy-sheriff of Worcestershire refused to execute any processes issued by the Council of Wales and was defended by the high sheriff, Sir John Pakington, on the grounds that the county was outside its jurisdiction. Similar resistance took place in Herefordshire.⁴ Lord Eure turned to the Privy Council for support, requesting that the sheriffs be ordered to execute processes until a final decision was reached, and putting forward arguments in favour of jurisdiction within the four English counties.⁵ Once more the lawyers searched for the dusty precedents which provided the ammunition for seventeenth century constitutional conflicts. For several months resistance by the sheriff and leading gentry in the four shires made exercise of the Council's authority virtually impossible but in August 1608 the sheriffs were ordered by the Privy Council to obey the Council of Wales and in November the King called a conference of Judges to discuss its authority, then declared that the four shires were to be accounted within the Marches of Wales.⁶

1 P.Williams, "The Attack on the Council in the Marches, 1603-42", *Transactions of the Society of Cymmrodorion*, 1961, Part 1, pp.4-5. *Diary of Robert Bowyer*, pp.49, 164; *C.J.*, i, pp.272, 281, 308.

2 Williams, *loc. cit.*, p.5.

3 *Ibid.*, p.5.

4 S.P.14/31/14, 14(1), 14(2); S.P. 14/13/6.

5 S.P.14/41/30.

6 S.P.14/35/42; /36/54 and 55. Williams, *loc.cit.*, p.6. In their disappointment at the King's decision "Chief Justice Coke and the Chief Baron burst into tears, providing a physical response beyond the reach of modern statesmen". The King was as unmoved by this type of appeal as he had been by reasoned arguments.

Neither the marcher gentry nor the common lawyers conceded defeat, and petitions against the Council of Wales continued. In the Parliament of 1610 the jurisdiction of the Council of Wales was listed as a grievance and the Herefordshire grand jury, under the influence of Croft, petitioned the justices to recommend that the knights of the shire seek exemption for the English counties.¹ The Council was an issue in Worcestershire, for Sir Samuel Sandys, who became knight of the shire in the 1609 by-election, was said to have been irregularly elected because he was an opponent of the Council of Wales.² The King promised to consider granting exemption but there is no evidence that he took advice from Judges or Councillors.³

In 1614 the Addled Parliament was called and the question of the jurisdiction of the Council of Wales was raised once more. This time, however, the gentry pressed their case at Court, not in Parliament, by petitioning the Earl of Somerset. At Croft's instigation petitions were sent to the Earl from Worcestershire, Herefordshire, and Shropshire. Williams is undoubtedly correct in his conclusion that Croft hoped to take advantage of the Howard faction's willingness to allow certain reforms in return for Parliamentary co-operation.⁴ Croft asked the King for exemption as a matter of grace rather than as a right and made a show of favouring the Court interest in Parliament.⁵

The King, however, decided that granting exemption would be a derogation of his prerogative, and refused. Letters of thanks for his efforts on their behalf were sent to the Earl of Somerset by some of the leading gentlemen from Herefordshire, Worcestershire and Shropshire, but the campaign was over at last. Croft, crushed by total withdrawal of the King's favour, left the country in 1617, became a Roman Catholic and lived the rest of his life in a Belgian monastery.⁶ The loss of leaders was completed when Coke fell in 1617. The Howards, purely tactical allies, lost interest, and the unyielding attitude of the King made further agitation seem unprofitable. In 1617 further instructions restored the Council's full authority and its work continued unimpeded until 1640.

Williams's analysis of the reasons for the attack on the Council is convincing. He states that the campaign resulted from the desire of the gentry to have an important check on their authority removed, resistance to centralisation of authority, the parasitical nature of the court, which

1 S.P.14/57/96.

2 S.P.14/49/26.

3 Williams, *loc.cit.*, p.6.

4 S.P.14/76/53 and 53 (1); *C.J.*, i, p.467; S.P.14/78/75.

5 Williams, *loc.cit.*, p.8.

6 *Ibid.*, p.8.

gave too much scope to common informers and conducted its business so as to maximise fees, an idealistic belief in the superiority of common law, and the desire of Westminster lawyers to increase their own business.¹ Perhaps one other element could be added, the opposition of country gentlemen who had been supporters of Essex to an institution which extended the power of Robert Cecil.

The struggle against the jurisdiction of the Council reveals the many avenues of protest available to country gentlemen and the limitations of each of them. The campaign of civil disobedience was able to thwart the operations of the Council of Wales for some months but civil disobedience seems to have been persisted in only when there was genuine doubt about the status of the Council of Wales, enforcement of its orders by county magistrates being resumed once the government declared that the English shires were subject to its powers. The tradition of obedience and respect for authority was too strong to direct action to be continued once it could no longer be justified by legal doubts. Civil disobedience was not a device used to force the government to change undoubted law but a method of ensuring that the question of jurisdiction was settled quickly. It was with this end in view that towns seeking exemption from county authority often refused obedience to county magistrates. Refusal to obey a disputed authority was one way of establishing a case for exemption and demonstrating one's own belief that it had no jurisdiction.

In this particular case the use of the courts was of limited importance for there was a difference of opinion between courts. At one point the common law courts were able to humiliate the Council of Wales but as there was a great deal of confusion about the exact legal situation the final decision would be political rather than legal. Legal arguments were used at every stage of the debate, but, as noted above, seventeenth century political disputes were conducted with the weapons of fine legal distinction and constitutional antiquarianism. Attempts to use parliament to gain exemption could be successful only if the consent of both houses and the King could be obtained. The Commons were unenthusiastic at first and the Lords even more reluctant to pass a bill concerning a matter in which the majority of members had little interest and the King's modification of the powers of the Council of Wales which led to the bill being dropped in 1606 were probably due to his doubts about the best course of action rather than a response to Parliamentary pressure.

The campaign against the Council of Wales was hampered by the absence of national enthusiasm for the cause and lack of unity even in the four

¹ Williams, *loc.cit.*, pp.9-13.

shires. When the first bill for exemption was introduced, the Commons cried "away with it", but the bill was carried by the persuasive powers of Sir Herbert Croft and the backing of Sir Edwin Sandys. Though these men were able to gain the support of the House, the Council of Wales was not an important issue even to most members of opposition groups. Secondly, the campaign in the four shires was led by a faction among the greater gentry, allies of Croft in Herefordshire and a group possibly headed by Sir John Pakington in Worcestershire. While most of the gentry seem to have given at least their tacit support to the campaign there is nothing to suggest that there was mass support from the "Country". Certainly the number of cases initiated in the Council of Wales declined while its jurisdiction was under dispute but this is more likely to have been caused by fear that permanent truncation of the Council's powers would make it impossible to complete the case than by deliberate boycott. Twenty-two Worcestershire gentlemen signed the letter thanking the Earl of Somerset for his attempt to persuade the King to exempt the four shires but of these only ten were J.P.s and one was the sheriff. Of the other eleven, Edward and William Sheldon were recusants, the two Savage brothers sons of William Savage, a J.P. who signed, the others younger sons or men below the magisterial class. Failure to sign does not, of course, indicate that these justices were in favour of Worcestershire remaining under the jurisdiction of the Council of Wales. Some of the J.P.s who did not sign were not resident in the county - Henry Poole, Henry Townshend, father of the diarist, and Thomas Cornwall were all non-resident members of the Council of Wales and John Fleet was soon to become King's Attorney to that body. George Wilde and Arthur Salway were office holders who are not recorded as having attended any meeting of quarter sessions in that year. There were, however, twelve members of the commission who attended at least one meeting of quarter sessions in 1614 and who did not sign. Of these, one, John Bucke, had attended every meeting.¹ It would appear, then, that some members of the commission felt that they were precluded from expressing support for the campaign because of offices they held and that some gentlemen who were not subject to the restraint of office were either opposed or indifferent to the campaign.

The evidence suggests that the attempt to gain exemption had Court versus Country connotations yet it would be an over simplification to see it purely in these terms. Perhaps the gentlemen of the four shires may be

1 C.66/2047; E.372/459; S.P.14/78/122 and 124.

regarded as belonging to the country party if they supported exemption but support from the opposition groups in the Commons was grudging rather than enthusiastic. Among the country gentlemen this was a regional rather than a national issue. Support for exemption was not confined to country gentlemen and the involvement of the common lawyers led to the campaign being complicated by the rivalry of Coke and Bacon.

The failure to win exemption shows the weakness of the country gentry. Despite the support of Coke and the common lawyers, and, for a time, of a faction at Court, the gentry of the four shires had very little power to influence policy. While they could obstruct the government by refusal to co-operate, the extent to which they could bring about positive changes in policy was very limited. All the methods used by the gentry drew attention to their cause but in the last analysis they could succeed only if they were able to gain the support of the King. The fall of Coke and Croft frightened the other protagonists, and in any case the King was so firmly committed to maintaining the authority of the Council of Wales that nothing short of revolution could have gained exemption for the four shires in 1614. The King was still the cornerstone of the constitution and his power to settle disputes among lawyers and to weaken groups of dissidents by disgracing individuals among them led to the defeat of the first campaign against the Council of Wales.

There was no further organised opposition to the Council of Wales until 1640. The Council had been deeply involved in enforcing the unpopular policies of the Personal Rule, and the way in which the Council's jurisdiction over offences punishable at common law or in the ecclesiastical courts sometimes led to the infliction of double punishments, was increasingly resented in the 1630s. A petition from the Worcestershire grand jury may have been responsible for reviving the campaign to exempt the four shires.¹ In 1640 and 1641 the Long Parliament investigated the jurisdiction of the Council of Wales and its authority was defied in the counties. To most Members of Parliament the jurisdiction and, indeed, the existence of the Council of Wales were of minor importance but the wave of feeling against the Star Chamber was extended to include all conciliar jurisdiction. The Council was abolished as part of a national campaign against centralisation and government policy. Agitation in the four shires played a very small part in the final decision. Once more the power of individual counties or groups of counties to change national policy or institutions was shown to depend on national backing. Only when Parliament came to

1 *W.Q.S.P.*, 1640 (165), lxxvi, 8, p.684.

oppose the existence of the Council of Wales for reasons which had very little to do with the grievances of the marcher gentry was it possible to overthrow its jurisdiction.¹

For several years after 1614 Worcestershire played no active part in national politics. Sir Samuel Sandys was involved in the country opposition and his election to three successive Parliaments may indicate that there was support for anti-Court politics in Worcestershire.² Sandys made an active contribution to the anti-Court camp in the Parliament of 1621 and it is probable that he spoke for many Worcestershire gentlemen. However Sandys died in 1623 and the members elected in 1624, 1625 and 1626 seem to have been elected on the basis of social prestige and they played little part in Parliamentary proceedings. Sir Thomas Bromley of Holt, son and heir of Sir Henry Bromley, the 1604 member, was elected in 1614 and 1628 but there is no evidence of him playing an active role in Parliament. His election reflected high social status rather than his political views. The same is almost certainly true of Sir Walter Devereux, a newcomer to the county who was paid the unusual honour of being elected knight of the shire almost immediately after he purchased his Worcestershire estate, and of Sir Thomas Lyttleton, first elected at the age of 24 in 1620, and again in 1625, 1626, and March 1640. The election of the 23 year old William Russell in 1625, the 22 year old Thomas Coventry in 1628 and the 20 year old Sir John Pakington in March 1640 would seem to have been motivated by a desire to honour their families. The election of Sir John Rous in 1626 could conceivably have been influenced by his Puritanism and anti-Court sentiments but there is no evidence that it was. Sir Samuel Sandys is the only knight of the shire after 1604 and before October 1640 whose political opinions played an undoubted part in his election.³

No particular issues disturbed the provincial calm of Worcestershire political life from the failure of the campaign against the Council of Wales until opposition was called forth by the policies of Charles I. The attempts to establish the perfect militia and the expeditions to Cadiz and Rhe were not popular but there is no evidence of widespread opposition in Worcestershire. It was the fiscal and religious policies of Charles I which were to arouse antagonism in the county and throughout England. In Worcestershire, where only a small minority of the gentry were Puritans, it was the non-Parliamentary taxation which aroused the

1 Williams, *loc.cit.*, pp.20-22.

2 P.H.W., p.38.

3 *Ibid.*, pp.38-42.

greatest opposition.

The first fiscal expedient adopted by Charles was the privy seal loan of 1625. As the two subsidies voted by his first Parliament proved inadequate, Charles followed precedents of 1611, 1589 and 1596 when he sent out printed letters under the privy seal to named gentlemen and yeomen requesting the loan of a particular sum. In Worcestershire 114 persons were required to lend a total of £1800. Individual assessments ranged from £40 to £10.¹ There seems to have been little difficulty in collecting these loans but when an attempt was made to raise a "free gift" from a much wider section of the community in the following year little money was raised. The Worcestershire justices reported that most of those approached said that they were used to supplying the King's financial needs by means of subsidies and fifteenths and were unwilling to give in another way. Though the order to collect the "free gift" had been issued on 7 July 1626 only £20 had been collected by September.²

The attempt to raise a voluntary contribution was a fiasco and the government turned to more direct means of raising money. Charles was unable to persuade his second Parliament to vote him adequate supplies and the demands of war made it imperative to find a new source of finance. The government revived the forced loan in October 1626. The Council issued a demand for a sum equal to five subsidies to be collected as subsidies were collected from all persons of ability whether or not they appeared in the subsidy book. Though it was stated that the money would be repaid afterwards, none of it was and it is unlikely that the Council ever intended the forced loan to be anything other than a non-Parliamentary tax. Loan commissions with a membership virtually identical to that of the bench were issued and the commissioners were ordered to meet together, subscribe to the loan themselves, then divide and use all means in their power to raise the sums they assessed on the subsidymen and others of ability. One half the loan was to be paid at once, the rest within three months, and all refusers were to be reported to the Council.³

Despite promises that the forced loan would not be made a precedent for future taxation there was considerable opposition in Worcestershire. In May 1627 the Bishop of Worcester reported that the letter from the Privy Council had been read at quarter sessions but that opposition to the loan

1 Thomson, *op.cit.*, pp.120-5. The deputy-lieutenants collected the loans; S.P.16/6/70; E.401/2566 lists names and assessments.

2 S.P.16/31/30 and 31; S.P.16/35/46.

3 C.66/2376; S.P.16/36/43, instructions to the commissioners for the loan.

had continued. He claimed to have sat as a loan commissioner on at least ten occasions and having "observed the disposition, shifts and evasion of men" had concluded that the money could not be raised until the Council sent pursuivants to arrest refusers. Their appearance, he claimed, would be worth £1000 to the King.¹ Despite the general unwillingness to pay, no particular leader had emerged. The greater gentry would have risked their position as J.P.s by openly refusing to pay but a number of obscure men were prepared to take the risk of an appearance before the Council. At least 21 persons refused to pay in the hundreds of Pershore and Oswaldslowe, none of them gentlemen.² The resistance of farmers to the forced loan foreshadowed the opposition to ship money.

In 1630 and 1631 commissions were issued appointing commissioners to compound with those who qualified for the order of knighthood but had not appeared at Charles's coronation to receive the order. There can be no doubt that administration of the knighthood composition scheme was as distasteful to the commissioners as it was to those that had to pay yet there is no evidence of any opposition. £2,186 was collected from 190 persons in Worcestershire.³

In 1634 King and Council decided that protection of the country against European rivals and Barbary pirates required a much stronger navy. The expense was to be met by levying a special ship money rate which precedent allowed the King to impose on the maritime counties in time of emergency. While some of the precedents cited in defence of ship money were drawn from the dusty archives of Edward I the rate had been levied several times during Elizabeth's reign and as recently as 1627.⁴ Consequently the 1634 writs aroused little opposition and most of the money was collected. Even in 1635, when the first writs were issued to inland counties, most people accepted the King's claim that there was a national emergency and there was little opposition. When it became apparent that ship money was to be a regular tax opposition developed. With each successive writ opposition became stronger, the amount uncollected greater, and the constitutional implications of the tax an issue which divided the King from his subjects.

The Council was determined that the tax should be collected with scrupulous fairness and a maximum of efficiency. The sheriff was to be

1 S.P.16/64/53, Bishop of Worcester to Earl of Marlborough, 25 May 1627.

2 E.179/201/300.

3 E.407/35. pp.195-8.

4 Barnes, *Somerset*, pp.203-4.

responsible for fixing the rate to be collected from each hundred and corporate town, and though he was to act with the advice of mayors, bailiffs and J.P.s, his was the final decision. The sheriff was personally liable for the collection of the entire sum imposed on his county during his year in office and he was not permitted to pass on the responsibility for arrears to his successor. The rate was to be assessed in the same way that other taxes were but care was to be taken that all men of ability paid and that persons of weak, heavy debts or large families were not taxed too heavily. This was an advance on the method of taxing only land and leaving personal wealth virtually exempt. Had the collection of ship money been a purely administrative problem the principles and administrative machinery established by the Council would have been appropriate, but when the tax became a political issue the concentration of responsibility on the sheriff left him too exposed and the attempt to modify customary rating procedures in the interests of equity provided opportunities for opponents of ship money to use rating disputes as a method of obstruction.

There was little open opposition to ship money in 1635 and the entire £4000 imposed on Worcestershire was collected. However changes in the sums imposed on the corporate towns suggest that there may have been some rating disputes.¹ In 1636 opposition to ship money became apparent but at this stage resistance took the form of exploiting ambiguities in the rating instructions as a means of delaying or avoiding payment. The sheriff was faced with rating disputes, the problem of collecting from rack rented tenants who had left the county, uncertainty over the lands in distress to private tenants, and the inability to sell distresses seized in default of payment.² As resistance stiffened it was necessary for the sheriff to distrain goods from the clergy as well as the laity and it was difficult to force officials to collect. The bailiffs of Oswaldslowe and Pershore hundreds were called before the Council after the sheriff charged them with neglecting their duty and the Mayor of Evesham, believed to have levied money but kept it in his own hands, was ordered to deliver it to the sheriff on pain of appearing before the Council.³

In 1637 the exploitation of technical difficulties gradually gave way to outright refusal to pay as the main method of resistance. In

1 M.D.Gordon, "The Collection of Ship-Money in the Reign of Charles I", *Transactions of the Royal Historical Society*, 3rd series, 4, pp.141-162; S.P.16/314/4, Sheriff of Worcestershire to Secretary Nicholas, 16 Feb. 1635/6.

2 P.C.2/46, pp.199-201, 21 May 1636.

3 P.C.2/46, pp.462-3, 27 November 1636.

that year Hampden's case produced very different responses according to the perspective from which it was seen. To the Council the majority judgement in favour of ship money was the stimulus needed to enforce rapid collection. No longer hindered by lingering constitutional doubts, the Council began a campaign of intimidation, of threatening and calling sheriffs before it. To many of the opponents of ship money the example of Hampden, the arguments of St. John and the opinions of the minority were justifications for open resistance. In 1636 all but £191¹⁶ of the £3500 imposed on Worcestershire was collected; in 1637 the amount uncollected rose to £1250. Despite the reduction of the 1638 demand to £1250, compared with £3500 in the previous year, £480 was still owing in 1640.¹ Attempts to force collection by taking bonds from constables and summoning mayors before the Council were only partially successful.

In 1639 open refusal to pay became common. There were constant complaints about the reluctance or inability of constables to collect, about negligence or dishonesty of mayors and bailiffs, pleas of poverty by individual citizens. Threats from the Council, appearance before it of sheriffs and subordinate officials, Star Chamber prosecutions of those guilty of more than negligence, were all ineffectual. In 1639 £2664 of the £3500 imposed on Worcestershire remained uncollected.²

In 1640 refusal to pay or to buy distresses was backed by violent resistance. Petty constables were openly opposing collection and absenting themselves from their homes when they expected a visit from the sheriff. Where distresses were taken they were often violently retaken, in one case, it was alleged, by thirteen or fourteen armed men, and houses were barred against the entry of bailiffs come to seize chattels. Faced with this resistance some constables were afraid to distrain unless accompanied by sheriff's officers, other disappeared even when they had this backing, and two preferred to remain in prison rather than give bond to appear before the Council.³ Sheriff Winford ended one account of his troubles rather pathetically.

I could wishe yo^r lorppes knewe wth what opposicon and difficulty I proceede in this service or that I could relate howe many tricks and devises I have found in the Constables to declyne the same that you might not impute it to my negligence.

4

1 Gordon, *loc.cit.*, p.160.

2 *Ibid.*, p.160; S.P.16/428/15.

3 S.P.16/457/22.

4 S.P.16/467/57.

Very little ship money was collected in 1640.

The national campaign against ship money had succeeded. King and Council had lost this battle with their opponents. The success of the opposition to ship money depended on mass refusal to pay. Almost all sections of the community except the unfortunate sheriffs were united against ship money. In Worcestershire there was some division of opinion among county leaders about its legality, Lord Keeper Edward Lyttleton, Judges Coventry and Berkeley being among its leading supporters and Serjeant Wilde a strong opposer. The views of the former seem to have had little impact on the county. Perhaps they prevailed with some of the gentry but not enough to influence the county in favour of the tax.¹ Unfortunately no evidence has survived which identifies local leaders of the resistance to ship money but it is most unlikely that they were all from the lower ranks of society. This would be contrary to the situation in other counties and would have been tantamount to a social revolution sufficiently frightening to have driven the gentry back into an alliance with the government. With the tacit encouragement of many gentlemen, the farmers and townsmen of the county were able to resist sheriff and Council alike. Opposition to ship money had succeeded because, unlike the campaign against the Council of Wales, it was national and it had the support of all classes with any political influence.

It is probable that the government erred in making the sheriff bear the sole responsibility for ship money. From the strictly administrative point of view this system was desirable, but when the levying of ship money became more of a political than an administrative problem the sheriff was deprived of the support he might have received had the J.P.s shared his responsibility. If the J.P.s had been forced into active involvement this could have influenced villagers and petty constables in favour of payment in a way that the sheriff, dependent on an inefficient and sometimes corrupt body of subordinates, could not. It has been suggested that the failure of the Council to take drastic measures against the first opponents of ship money contributed to the failure of the tax.² While there is undoubtedly some truth in this judgement, the large numbers of obscure men who opposed ship money were less vulnerable to certain types of sanction than were the magnates. The withdrawal of the King's favour, fear of which chastened the greater gentry who opposed the Council of Wales, was an inconsequential weapon against yeomen and minor gentlemen and

1 S.P.16/467/11.

2 Barnes, *Somerset*, pp.227-8.

the Council simply did not have any adequate means of enforcing drastic sanctions against masses of tax evaders spread all over the country. Had the J.P.s been entrusted with greater responsibility for collecting ship money they would have been forced to choose between open opposition, which could have cost them their places in the commission, and throwing their full influence behind collection. The J.P.s were, of course, brought in to settle disputes over ship money ratings, but this work did not involve the entire bench and it did not commit even those who participated to supporting the principle of the tax. Only making the J.P.s responsible for collection would have forced them to reveal their views. Acquiescence to ship money would probably have made collection possible, while refusal would have brought to a head much sooner the constitutional crisis sparked off by the Scottish invasion.

In March 1640 the Scottish army entered England and forced the King to summon Parliament. The county elected two future Royalists, Sir Thomas Lyttleton and Sir John Pakington. Lyttleton had been knight of the shire in three previous Parliaments and Pakington was a young man of twenty whose family had long been prominent in the county. The city elected John Cowcher, an old man who had first served in the 1604 Parliament and had represented the city in every subsequent Parliament except those of 1625 and 1626, and Thomas Chettle, a former mayor and representative in the Parliament of 1614. There were no surprises in any of the borough elections - all returned local gentlemen or Court nominees in accordance with custom.

In October 1640, however, the failure of the Short Parliament and the Scottish war brought to a head all the grievances which had accumulated against the Court. The county election was hotly disputed and the sheriff was charged with unlawfully influencing it in favour of the anti-Court candidates. The election went to the poll and two opposition barristers, John Wilde and Humphrey Salway, won over the Royalist Short Parliament member, Sir Thomas Lyttleton, and a candidate identified only as Mr Dingle, but probably Edward Dingley of Charlton. Lyttleton's charge that the election had been improperly conducted was supported by Sir Henry Herbert, member for Bewdley, and investigated by the House.¹ So much heat was generated by this issue that Herbert and Wilde came to blows while attending Sir Lewis Dives committee on disputed elections.² The city elected the same members as in March but there were a number of changes in the boroughs.

1 M.F. Keeler, *The Long Parliament*, Philadelphia, 1954, p.73.

2 D'Ewes (N), p.224.

Droitwich elected the professional courtier, Endymion Porter, and the Worcestershire magnate, Samuel Sandys, who had been the borough member in March. Porter took the place of John Wilde, thus increasing the number of Royalists representing the county.¹

Bewdley returned Sir Henry Herbert, a Court nominee, but a second indenture signed by the freeholders rather than the bailiff and chief burgesses, named a former member, Sir Ralph Clare. A double return had also been made in March but as the franchise was confined to the bailiff and chief burgesses, it was the election of Herbert which was allowed.² As both men were courtiers and future Royalists their political opinions cannot have been an issue. Both men were commissioners of array in 1642.

The remaining borough, Evesham, also had a contested election. The place of one member, Richard Cresheld, Serjeant at Law and recorder of the borough, was secure, but the other place was disputed by John Coventry and William Sandys of Fladbury. The official return named Sandys but another, irregular in form, preferred Coventry. Both Sandys and Coventry were Royalists so it is probable that the decision between them was made, as Keeler suggests, on personal grounds,³ or that it reflected the division of opinion over the desirability of the river improvement schemes. As increased navigation increased Evesham's prosperity and reduced the price of coal in a town far from alternative sources of fuel, Sandys was popular with most of the Evesham community. Those who voted for Coventry probably represented the interests of the landowners.

It is obvious that the county electorate was imbued with strong anti-Court sentiments in the elections of October, yet if the charges of election rigging are true, they show that Wilde and Salway were faced with considerable opposition. This suggests that anti-Court sentiments were not strong enough to prevent a substantial minority voting on traditional lines. Court versus Country sentiments do not seem to have been the main issues dividing the electorate. Agreement over national politics might explain the support of Sir Henry Herbert for Sir Thomas Lyttleton, but when Sir William Russell was charged with oppression as a Worcestershire deputy-lieutenant, the future commissioner of array was defended by the Parliamentary Wilde and attacked by his future colleague in the King's camp, Sir Henry Herbert.⁴ John Coventry was willing to use William

1 Keeler, *op.cit.*, p.73; *P.H.W.*, p.121.

2 Keeler, *op.cit.*, p.73; *P.H.W.*, pp.163,165-6.

3 Keeler, *op.cit.*, p.73.

4 D'Ewes (N), pp.145,450,461,483-4,224.

Sandys's position as a monopolist in order to gain his seat in the House of Commons.¹ In 1640 criticism of the Court was just one of the many issues of importance to county politicians, though it was the most important issue in the October elections. Only under the influence of events in Parliament would the Worcestershire members and Worcestershire society polarise into two camps.

There is no evidence that the county became deeply involved in the struggle between King and Parliament until 1642. It is likely that interest in Parliament was greater than usual, and even if few gentlemen were as politically minded as Henry Townshend, who recorded Parliamentary proceedings in his diary, many must have been paying close attention to reports from Westminster.²

Throughout 1641 there was considerable reluctance to pay the four subsidies and poll money voted by Parliament, something which shows that opposition to ship money was motivated by unwillingness to pay as well as objections in principle.³ In 1641 Parliament was much occupied with religious matters and county officials were ordered to take steps to prevent meetings of Recusants but this instruction is indicative of anti-Catholic hysteria rather than evidence that Recusants were politically active.⁴ It was not until early 1642, however, that events in the Long Parliament had a direct impact on the county. At Epiphany Sessions the grand jury made a presentment favouring episcopal government and the preservation of the liturgy. A petition was circulated for signatures and a substantial number were obtained, especially in those parts of Halfshire hundred which were under the influence of the Sandys family.⁵ While it is probable that the moderate Anglicanism implicit in the declaration represented the view held by the majority of the freeholders, the framing of it almost certainly reflected pressure from those gentlemen who were to become Royalists in the civil war. This declaration marks the real beginning of the division of the Worcestershire gentry into Royalist and Parliamentarian.

The Parliamentarian ripost came in March when the Commons ordered the sheriff and J.P.s to tender the Protestation and return the names of all who refused to subscribe.⁶ Divisions in Parliament were leading

1 D'Ewes (N), p.23.

2 Townshend, *Diary*, i, *passim*.

3 *Ibid.*, ii, p.167; *Reliquiae Baxterianae*, pp.16-17.

4 Townshend, ii, p.44.

5 *Ibid.*, p.45.

6 *Ibid.*, p.47.

to the enforced signing of documents throughout the country. Protestation returns have survived only for the city of Worcester.¹ Baxter reported that his support for the Protestation made him unpopular, something which suggests that there was widespread resistance to signing in the county.²

The most bitter division in 1642 was over control of the militia. On 5 March 1641/2 Parliament, distrustful of the King, passed the Militia Ordinance which purported to place the armed forces under its own control. New lord-lieutenants were appointed and ordered to place the forces of their county in a posture of defence. Unsatisfactory officers and deputy-lieutenants were to be dismissed and replaced by men who supported Parliament. On 27 May the King issued a proclamation condemning the Ordinance, forbidding obedience to any order of Parliament relating to the trained bands, and stating his intention to issue commissions of array. Early in June the first commissions were issued and Parliament condemned them as illegal. Throughout England the magistrates were forced to decide whether to obey King or Parliament. The first Worcestershire commission was issued on 18 June and instructions were sent to the county three days later.³ Reports soon reached Parliament that Sherrington Talbot and the sheriff of Worcestershire were assembling people to bear arms under the authority of the commission of array. Talbot was also charged with opposing the execution of the Militia Ordinance and ignoring an order to appear before the House.⁴

The Commons acted swiftly against the commission of array. The sheriff of Worcestershire was brought before the Commons but released when he acknowledged the illegality of the commission of array and agreed to ignore it in future.⁵ The two knights of the shire were sent down to the county in time for Summer Sessions held on 12 July 1642. Under their influence the grand jury was packed with supporters of Parliament, none of whom were gentlemen. Selection of amenable jurors was facilitated by the luke-warm Royalism of the sheriff, Edward Vernon, and the avid Parliamentarianism of the under-sheriff, Thomas Bund. The grand jury denounced Lord Dudley and Sherrington Talbot as particularly active commissioners of array and asked that the militia ordinance be put into execution.⁶ An

1 M.F.Bond, *Guide to the Records of Parliament*, 1971, p.155.

2 *Reliquiae Baxterianae*, p.40.

3 Northamptonshire R.O. Finch-Hatton MS.133. I am grateful to Dr Ian Roy for his transcript of this document; Bodl.MS Tanner 63, f.84.

4 *C.J.*, ii, p.661, 8 July 1642.

5 *Ibid.*, p.684, 21 July 1642.

6 Townshend, ii, p.65; *C.J.*, ii, pp.684-5.

attempt to intimidate quarter sessions by summoning the trained bands to the Town Hall failed, possibly because the sheriff did not obey the commissioners' warrant to issue a muster order.¹

On 3 August the Royalist judge, Baron Hendon, on circuit alone, conducted the Worcestershire assizes and the commissioners of array gained the upper hand in the county.² On 1 August the commissioners had summoned the trained bands from the entire county to appear fully arrayed on Pitchcroft meadow. Under the influence of Lord Coventry and the other commissioners those assembled at the assizes agreed on a presentment reversing that made at quarter sessions, requesting the King to preserve the just rights and privileges of Parliament, and offering to "put the County in a posture of arms for the defence of His Majesty and the peace of the kingdom, and to adventure their lives and fortunes in the defence of His Majesty".³ Even though Hendon was charged with packing the Shropshire grand jury in order to have an almost identical petition passed, it was claimed in the Commons that he had refused to read the Worcestershire presentment. It appears that the Commons were unwilling to admit that a judge accepted the legality of the commission of array.⁴

It is difficult to assess the precise political opinions revealed by the assize presentment but the wording reveals two important themes - genuinely moderate Royalism which preferred settlement to civil war and willingness to support the King if no agreement was reached. In 1640 there were a large number of voters prepared to abandon traditional allegiances and elect men committed to reform; by September 1642 most Worcestershire gentlemen felt that their main objectives had been achieved. The Militia Ordinance was seen as a revolutionary measure and there was very little support for it in the county.

In 1639 there were 29 members of the "working" part of the Worcestershire commission of the peace and 9 more had been appointed by 1642. Of the 38, 20 were appointed commissioners of array and five to the first Parliamentary committee for Worcestershire. Of those who were members of neither, three were Anglican clergy, one a Royalist officer, and one served in the armies of Parliament. In Worcestershire the bench had split in a ratio of approximately four to one. This proportion slightly exaggerates the Royalist preponderance among the magisterial class as all but three of the ten J.P.s appointed between 1639 and 1642 were commissioners of array.

1 Bodl. MS Tanner, 63, f.88.

2 C.231/5, p.526. He was sole judge in Summer 1642 and Lent 1641.

3 Townshend, ii, p.68.

4 C.J., ii, pp.710-11; Ottley, vii, p.241.

This may be seen as *prima facie* evidence of an attempt to pack the bench with supporters of the King, and the case for viewing the appointments in this light is strengthened when the individual appointees are identified. Sir Thomas Lyttleton, Sherrington Talbot, Sir John Pakington and Samuel Sandys were all commissioners of array and avid supporters of the King. Pakington had only just come of age, but it is surprising that Sandys was not on the commission at an earlier date. Of the post-1639 appointees to the bench, only William Ligon was a Parliamentarian. Only three of the commissioners of array were not Worcestershire J.P.s.¹

It is difficult to isolate socio-economic variables which explain choice of sides among the Worcestershire magisterial class. The length of time a family had been settled in the county seems to have had little influence. The long-established Pakingtons, Lyttletons and Russells were Royalists, but Sir John Rous, who could trace his ancestry to the Conquest, and William Ligon, whose family had been prominent in the shire since the fourteenth century, were Parliamentarians.² The lawyers were divided. Lord Keeper Edward Lyttleton and Sir Robert Berkeley were ardent Royalists, Serjeants John Wilde and Richard Cresheld, supporters of Parliament. Sir Henry Spiller, a man of London mercantile background, was a commissioner of array;³ Daniel Dobbins, who owed his estate to the wealth of his London born wife, was a Parliamentarian officer and county committeeman.⁴ The best known office-holding family in the county was headed by Humphrey Salway, a Parliamentarian whose son was a radical extremist.⁵

Only in the average incomes of the commissioners of array and the 1642 Parliamentarian committee is there a significant difference between the two sides. The 17 Royalists whose income is known averaged £723 *per annum*, the 7 Parliamentarians, £382. Later in the civil war and during the Interregnum, the average income of Parliamentarian committeemen and magistrates was to fall even further below that of their opponents.⁶ However, correlation does not prove causation. It is very unlikely that financial considerations played any important part in the choice of sides. In Worcestershire the majority of gentlemen were Royalist, and Parliament had to appoint men from the much larger group just outside the magisterial class in order to fill the offices essential to the functioning of county government. This does not prove that gentlemen of the middle rank were more

1 Appendix II, III.

2 *Visitation of Worcestershire, 1634, passim.*

3 Nash, *op.cit.*, p.373; *V.C.H. Worcs*, iv, p.78.

4 *Ibid.*, iii, p.169; Nash, *op.cit.*, ii, p.37.

5 *D.N.B.* Richard Salway.

6 Appendix III, IV.

likely to support Parliament than were their social superiors, only that the minority side was forced to draw its officials from among the middle and lesser gentry as well as from the traditional county governors. In any case, social dilution cannot explain the income differences of 1642. The first county committee consisted of a small group of Parliamentary magnates and their smaller average income probably indicates no more than sampling error. One cannot base sweeping conclusions on an average calculated from seven incomes. It was later in the civil war, when the original core of magnates had been swollen by the inclusion of men from outside the magisterial class, that social differences between the leaders of the two sides became apparent.

Religion played an important part in the choice of sides. None of the 1642 commissioners of array was a convicted recusant but the King drew considerable support from among the Catholic population of Worcestershire. 18% of the Royalists who compounded in Worcestershire were Catholics. Families such as the Middlemores, Blounts, Fortescues and Hornyolds played an important part in upholding the Royalist cause.¹ It is more difficult to determine religious differences among the Protestants than to identify Catholics, but it is clear that many of the King's supporters were steadfast adherents of the Anglican establishment. Samuel Sandys supported a petition in favour of episcopacy shortly before the outbreak of the civil war,² Sir John Pakington and his wife provided shelter for Anglican divines during the Interregnum,³ Henry Townshend and Sir Ralph Clare retained their Anglican principles even when their cause seemed hopeless.⁴

It is probable that religion was the most important reason for support of Parliament. The two Graves brothers and John Nanfan were political Presbyterians and probably moderate Puritans,⁵ the Rous family provided friendship and support for Richard Baxter.⁶ With the possible exception of John Wilde, none of the Parliamentarians were religious extremists, but their religious views played an important part in their decision to cut themselves off from home and friends. Among the common people, religious considerations were very significant in the choice of sides. Richard Baxter believed that the majority were for the King, in favour of bishops and against Puritans. Intolerance of the majority towards

1 C.C.C., *passim*.

2 Townshend, *Diary*, i, p.xiv, ii, p.45. The editor, Bund, misinterpreted this petition as anti-episcopal and could not understand why it obtained so much support in areas dominated by the Sandys family.

3 *Supra*, p.37.

4 *Supra*, pp.40-1; *Infra*, p.293.

5 Bates, *op.cit.*, *passim*; Townshend, *Diary*, i, p.33.

6 *Supra*, p.37.

the Godly and plunder of their houses, drove many to take refuge in Parliamentary garrisons. Some were forced to enlist for want of other employment. Most of those regarded as Puritans were men of piety rather than doctrinal fanatics. Some claimed to have been driven to Parliamentarianism because they heard men *swear* for the King but *pray* for Parliament, and a few reported that the King had the better cause but Parliament the better men.¹

Though most gentlemen were Royalists, few were high-flying cavaliers. Most of the Worcestershire political nation were moderate constitutionalists, people who wanted settlement and wished to avoid war. In October 1640 a considerable part of the county had abandoned localist politics and traditional loyalties to elect opponents of the Court, thus expressing their dissatisfaction with the centralisation and non-Parliamentary taxation of Thorough. By September 1642 the objectives of the moderate Right and of the Centre had been achieved. Parliament rather than the King was seen as the aggressor. Worcestershire resisted the Protestation and rejected the Militia Ordinance.

The situation in the city of Worcester was more complex. Puritanism was stronger, the "middling sort" were not under gentry domination, and many actions of the city in the crisis of September 1642 gave the impression of Parliamentarianism. The city resisted the commission of array, opposed billeting, and appealed to Parliament for permission to muster its trained bands independently of the deputy-lieutenants.² Worcester was not, however, a Parliamentary stronghold. Opposition to the commission of array was primarily localist in nature, an attempt to assert the independence of the city against incursions by gentlemen of the shire, and the attempt to gain total emancipation from the deputy-lieutenants had been anticipated by most cities of equivalent status. Mustering under the commissioners of array was yet another military burden, a further infliction to follow the "Perfect Militia" and the Scottish wars.³ Certainly there must have been some citizens who were aware of the wider implications of opposing the commission of array, but for most townsmen the issue was the independence of the city.

The balance of political sympathies in the city is difficult to determine, but the existence of divisions among the elite is certain. When the Earl of Essex entered the city he forced the Mayor to go down on his knees and beg pardon for his Royalism, he purged the Corporation of Royalist

1 *Reliquiae Baxterianae*, pp.30-45.

2 *C.J.*, ii, p.761; Townshend, *Diary*, ii, pp.87-9.

3 *Supra*, pp.168-72.

aldermen, and treated Worcester more as a conquered territory than as an allied community which he had liberated.¹ Nehemiah Wharton reported religious apathy and singular lack of enthusiasm for the Godly cause,² and the citizens berated Richard Baxter as a Roundhead rogue.³ The Parliamentarians intruded into the Corporation by Essex were forced to yield their places to those he had dismissed when the Royalists regained control, a position which was reversed in 1646.⁴ The peace party during the siege of 1646 reflected both hard-core Parliamentarianism and localist desire to spare the city. Worcester was politically divided, and even if Parliamentarianism was more influential than in the rural areas, to say that the county was Royalist and the city Parliamentarian, is to over-simplify a complex situation.

Worcestershire was a county in which moderate constitutionalism prevailed, but the views of the majority tended to Royalism. When mediation failed and neutralism was impossible, most gentlemen supported the King. Though national issues occasionally intruded, Worcestershire politics were dominated by localism, deep-seated loyalties, and conservative adherence to an established constitutional tradition.

1 Bund, p.49.
 2 C.S.P.D., 1641-43, p.397.
 3 *Reliquiae Baxterianae*, pp.40-2.
 4 W.C.O.B., ff 210^v, 212^v, 241^v.

VIII

THE CIVIL WAR AND ROYALIST ADMINISTRATION

Worcestershire was predominately Royalist but the majority of Royalists and Parliamentarians alike were moderate constitutionalists, opposed to both revolutionary puritanism and absolute monarchy. It is clear, though, that in 1642 the majority of the political nation regarded Parliament as the aggressor and as the greater threat to the constitution.

Despite the preferences of the county it was military events in the first two months of the civil war which determined that the county should be in the power of the King. In September 1642 it seemed more likely that the county would be controlled by Parliament. When the King raised his standard at Nottingham on 22 August 1642 he planned to move through the West Midlands to the Welsh border raising money and men, and to make a temporary headquarters at Chester, Shrewsbury, or Worcester before pushing on to London. At this stage the King had only about 2000 men at Nottingham and 1000 horse at Leicester while Parliament had 20,000 men at Northampton. The Earl of Essex advanced on Worcester and the Royalists were lucky to extricate a convoy proceeding from Oxford with plate from the city before it fell to Parliament on 22 September 1642. The skirmish at Powick Bridge was the first engagement of the civil war. Essex garrisoned Worcester and several of the smaller towns and, until the battle of Edgehill, it looked as if Worcestershire would remain in his hands. After Edgehill the Parliamentary forces were withdrawn and Worcestershire was reoccupied for the King. The county and city were to be strongholds of Royalism from November 1642 until July 1646.

Royalist government of Worcestershire falls into three main phases. From November 1642 until September 1643 the Royalists were building their army and establishing their power in Worcestershire and the Midlands, from September 1643 to May 1645 the county was relatively safe from Parliamentary attack and the relationship between local government and the military authorities was the main issue. After the fall of Evesham in May 1645 Parliament gradually established an ascendancy which culminated in the capture of Worcester in July 1646. Throughout the entire period there was friction between the county authorities and the military commanders. At the beginning of the civil war local control was firmly in the hands of civilian commissioners but as the war progressed, power was gradually transferred to the military authorities, the committee

of safety was weakened *vis-a-vis* the officers, command of county troops passed from county magnates to professional officers without local connections. The professional officers, furthermore, introduced an alien code of military conduct derived from Germany which conflicted with the common law and constitutional traditions of England. The transfer of power to men who were not county magnates and who held an unfamiliar ideology caused much resentment in the county and disaffection to the Royalist cause.

In November 1642 the Worcestershire Royalists were faced with the very difficult task of organising the county for war. Worcester was a walled city but its defences were weak. It was necessary to raise troops for the King, to fortify and garrison strong points within the county, to find arms and money. Worcestershire was to do all these things.

Worcestershire was especially important to the Royalists in the civil war. All territory was significant as a basis for taxation, source of food and because of the psychological advantages of holding land but Worcestershire could make two special contributions to the Royalist cause. Firstly, it was an important communications' centre, controlling both the route from Bristol to the Midlands and the roads from Oxford to Wales, and, secondly, its iron industry produced armaments for both the local forces and the King's field armies. The Severn preserved its peace time importance as an inland waterway in time of war and controlling it enabled the Royalists to move heavy military supplies by water and the civilian export trades of the West Midlands to ship goods via Bristol for as long as that city was in Royalist hands. For much of the war the Parliamentary garrison at Gloucester was able to prevent military supplies travelling the entire length of the Severn by water. The loss of Worcestershire would have cut the King's main lines of communication with Hereford and Wales. River crossing points in Worcestershire were very important. There was no bridge over the Severn between Gloucester and Upton and only two other Severn bridges, at Worcester and Bewdley, in the county. Bridges on the Avon were also strategically important, something which explains the numerous battles for Tewkesbury. In Worcestershire the Avon bridges at Twyford, Evesham, and Pershore were important, though those over the Teme seem to have had less strategic importance. When the King did lose the important communications' centre at Evesham in 1645, he was unable to return to Oxford.

Worcestershire was one of the major centres of armaments supplying the King. From 1642 Worcestershire iron masters were producing ordnance, shot and gun carriages in such quantity that there was considerable

difficulty in obtaining sufficient horses and wagons. These had to be requisitioned in Worcestershire.¹ The very large quantity of cannon shot, grenades and pike-heads carried to the New College armouries attracted particular attention in April 1643. Some of the armaments were produced in north Worcestershire and were shipped down the Severn for overland carriage to Oxford but some of the supplies were produced at three Shropshire centres, Bouldon, Leighton and Bridgnorth. The leading Worcester-shire ironmaster supplying the King was Richard Foley, the man supposed to have introduced the slitting mill to England. Worcestershire was also a source of gunpowder from March 1642/3 and a distribution centre for flax, hemp and tow shipped down river from Shrewsbury.²

For two years, from mid 1643 until May 1645, the Royalists conducted a traffic in arms and munitions by routes which, on the map, formed an equal sided triangle, its base line from Oxford to Bristol, its apex at Worcester. Vital armaments for the King's forces entered at all three points.

Iron manufactures were sent down the Severn and exchanged for powder at Bristol, Oxford sent supplies to Rupert in the Midlands and received iron ordnance and shot from Worcester.³

During the civil war the King was cut off from London and the normal machinery of administration and it was necessary for the Royalists to devise new methods of ruling the territory under their control. The Royalists had an advantage over the Parliamentarians in having a single and unchallenged head but disputes among his leading supporters were to vitiate this and the problems of maintaining communications in war time as well as the need to obtain the widest possible support made it necessary for the King to allow considerable decentralisation of government. At the centre of Royalist administration was the Council of War which took a place similar to that occupied by the Privy Council in peace time. This body was responsible for planning Royalist strategy, advising the King on the appointment of military commanders, and co-ordinating the activities of local authorities. In 1644 the King attempted to extend the basis of his support by calling the Oxford Parliament to which Royalist peers, M.P.s from the Long Parliament and other leading supporters of the King were summoned. Had the King not quarrelled with this body it could have played an important role in both administration and propaganda.

1 Townshend, ii, p.107; B.R.L. 398274 and 398276.

2 I. Roy, *The Royalist Ordnance Papers, 1642-46*, i, Oxfordshire Record Society, 1963-4, pp.35-7; Townshend, ii, pp.140-1, 144.

3 Roy, *op.cit.*, pp.46-7.

During the three and a half years the Royalists controlled Worcestershire they established a system of county government similar to that maintained in Parliamentary counties. Civil government was effected by a combination of pre-war machinery and the commissioners of array meeting in committee and performing the same functions as did county committees in areas dominated by Parliament. Twenty-four men were appointed by the first commission of array issued at York on 18 June 1642 and on 18 July three of these were left off and four more appointed, making a commission of twenty-five.¹ On 14 September 1642 twenty-seven men were made commissioners of array.² The commission was nominally headed by the twelve year old Prince Charles followed by Lord Dudley and the Earl of Coventry, who, together with Sir Thomas Lyttleton, Sir John Pakington, and Sir William Russell, constituted the *quorum*. The three baronets were the men who wielded the greatest influence on the commission. The other members were mostly leading county gentlemen and pre-war J.P.s, to whom the July commission added the Mayor of Worcester *pro tempore existens* and that of September two aldermen of the city. The only other member who was not a county gentleman was James Lyttleton, LL.D., Chancellor of the diocese of Worcester. In March 1643 certain commissioners who supported Parliament were excluded and Worcestershire was left with a commission of twenty-three, of whom nine were members of the *quorum*.³ It was in the civilian capacity of commissioners that most of the Royalist gentlemen of Worcestershire served the King. Few actually took up arms, and of these the most notable were Sir William Russell, Sir Thomas Lyttleton and Samuel Sandys. Sir John Pakington was said to have served as an officer but there is no evidence of military activities.

On 16 March 1643 the commissioners of array were transformed into a committee of safety. They were ordered to meet, consult garrison commanders concerning the best method to defend the county, to levy rates for the support of the garrisons, to borrow money, plate, arms and ammunition. They were to meet in the city of Worcester and "to take notes and Remembrances of your Councils and consultations in writing from time to time."⁴

The committee first met on 18 March 1643 in the Townhall at Worcester and records of its meetings between that date and 8 April have

1 Northamptonshire Record Office, Finch Hatton MS 133.

2 B.R.L. 351507.

3 Townshend, ii, pp.108-9.

4 *Ibid.*, p.110.

survived. These show the committee meeting on most days and involving itself in the minutiae of fund-raising as well as in the discussion of military problems. The committee had a wide range of duties. At its first meeting it made an order to collect assessments, to pay soldiers and householders billeting them, and wrote to Prince Rupert requesting protection against Sir William Waller, believed to be advancing from Gloucester.¹ At other meetings it settled rating disputes, issued warrants to hasten collection of money, and where that failed, ordered a troop of horse to hasten payment. On 30 March 1643 the commission ordered a party of horse or dragoons to collect double the normal assessment from those who were behind in their assessment. However military collection was to be made with due formality and the officer in charge of the tax collecting party was to be personally responsible if more goods were taken than were warranted by the order.² When goods of an excessive value were taken from one William Harrys of Breedon whose payments were three months in arrears, the commission restored the surplus to him.³ On the same day William Langston of Hanley Castle, gent., was arrested by a troop of horse and charged with dangerous speeches and hindering the King's service and the commissioners thought it necessary to make an order protecting his

person and goods from all manner of Injuries by his Ma^{ties} Soldiers he promising to answer when he shall be required. As any Soldier shall answer at his perill. 4

The committee performed all administrative functions proper to civilians. Taxation, payment of troops, arrest and protection of disaffected citizens were all within their sphere of authority. After 25 September 1643 the commissioners, or some of them, met as a sub-committee for sequestrations.⁵ There is no evidence that they interfered with strictly military matters, unless sending reports of enemy movements and requesting aid comes into that category.

The committee was generally well attended, 14 members being present at the first meeting, 11 at that a week later, 7 the following Tuesday (28 March), 10 on Thursday, 9 on Friday, 7 on Saturday. On 5 April, 8 attended, on 8 April, the last meeting for which records have survived, 12.

1 Bodl. MS Rawl. D. 924, pp. 14-16.

2 *Ibid.*, p.21, 30 March 1643.

3 *Ibid.*, p.28, 8 April 1643.

4 *Ibid.*, p.30.

5 Black, p.74.

At least in the first fortnight of the committee's existence attendance at meetings was nearly equivalent to that of the J.P.s at quarter sessions in peace time. When one allows for the unavoidable absence of members whose duties took them away from Worcester, attendance figures reveal conscientious work by the committee of safety.¹ The committee certainly employed a clerk, one Stephen Richardson, whose signature appears on numerous documents relating to its work, but the extent to which it developed a professional secretariat is not known.

Though the committee performed many of the administrative functions which would otherwise have been the responsibility of the J.P.s at quarter sessions, attempts were made to preserve a semblance of normality in county government. Quarter sessions met at the usual times and carried on with ordinary business as well as rating the county and passing political petitions. In some respects the civil war enhanced the importance of quarter sessions for the assembled J.P.s, gentlemen and freeholders often acted as a local Parliament, passing resolutions affecting the whole county in a way that was rare before the civil war. It is, perhaps, not too fanciful to see the committee of safety as the equivalent of the King's War Council and quarter sessions as the county version of the Oxford Parliament. At Epiphany Sessions, 18 January 1642/3, the county was rated at £3000 a month and a petition was passed against the armies of Parliament. The county called for a negotiated peace and invited Parliament to address itself to the King "in all humility . . . with such propositions of peace" as tended to the preservation of the Protestant religion, the King's honour and the privileges of Parliament.²

Despite the loyal petitions quarter sessions was far from being the docile instrument of the King. In April 1643 quarter sessions showed the independence of the "Country" when it condemned free quarter and attempted to ensure its own regular meeting by restricting its vote of funds to a period of three months, when the situation would be reviewed by "the next general Sessions of the peace".³ Quarter sessions requested the military to protect the outlying parts of the county, required Sir William Russell to tender accounts of the money disbursed, and ordered that £300 coat and conduct money remaining from the Scottish wars should be paid to Colonel Samuel Sandys in order that he might discharge his debts

1 Bodl. MS Rawl. A, 35, ff.144-144^v; Rawl. D. 924, pp.14-24.

2 Townshend, ii, p.95.

3 *Ibid.*, ii, pp.110-12.

for billeting.

Though war business inevitably took priority at quarter sessions, peace time work was continued. Though the assizes met at Shrewsbury as late as Lent 1643,¹ there is no evidence of assizes being held in Worcestershire after Summer 1642. It is probable that quarter sessions heard cases of felony which would have gone to the higher court in peace time. Few sessions papers have survived for the civil war period but Townshend recorded orders concerning constables accounts, the repair of the common gaol, the relief of paupers, the giving of security to save the parish harmless by those who housed paupers, and payments to maimed soldiers.² Under various proposals for raising forces for local defence those enlisting were to remain subject to common law, not military discipline,³ and it was agreed on more than one occasion that deserters and looters should be tried under common law.⁴

During the civil war the peace time machinery of executive and parish government was preserved. The sheriff remained responsible for executing the orders of the committee and of quarter sessions. Orders to levy taxation were sent by him to the high constables who in turn distributed them to the petty constables. Parish assessments were made by leading local inhabitants and disputes were settled, at least in some cases, by the commissioner living nearest the village.⁵ Where payment was not made the normal peace time procedure of distraining the defaulter's goods was used, though as collection became more difficult, there was an increasing tendency to use the quicker method of dispatching a troop of horse. As in peace time the sheriff was responsible for making payments to the King and calling out the *posse comitatus*.⁶ It is clear that in the first year of the civil war every effort was made to retain the appearance of normality, to give the impression that no fundamental changes had been made in the system of county government, to pass off innovations such as the committee of safety as temporary phenomena made necessary by a special situation which would soon pass. In any case the members of the committee of safety were county magnates, men to whom the countrymen customarily accorded obedience.

1 Ottley, vii, pp.269-73.

2 Townshend, "Notes", pp.83-123.

3 Townshend, ii, p.193.

4 *Ibid.*, pp.194, 198-9.

5 *Ibid.*, p.187. Number of assessors for Elmley Lovett reduced; B.R.L. 394783. Copy of committee order changing assessors of Hanley William.

6 Townshend, ii, pp.121-2, 196.

In 1642 the most urgent task was to raise an army. In Worcester-shire the commissioners succeeded in gaining control over the trained bands but, as they were an inadequate substitute for regular soldiers, immediate steps were taken to raise new forces. Nevertheless control of the trained bands provided the commissioners of array with a source of arms, access to the 44 barrels of gunpowder, 1½ tons of lead and 2276 pounds of match stored in the five magazines of the county and it was hoped that they would provide trained man-power for the King's forces.¹ On 17 August 1642 it was proposed that every trained soldier bring another man

for supply in his room for neighbouring service, and that such persons as would voluntarily offer to serve the King should be enrolled and receive pay as the rest of the soldiers of the King's army.

2

The implication of this order is that trained band soldiers were encouraged to join the King's field army and that they might be required to serve outside the county in their capacity as members of the militia. As in other instances where sending the trained bands out of the county was envisaged, it was proposed to arm and organise other citizens for home defence. There is, however, no evidence that the Worcestershire trained bands served in the civil war. Evidence from neighbouring counties suggests that any attempt to enforce compulsory service would have been unsuccessful. In October 1642 the Shropshire trained bands were regarded as unreliable, "some of their minds being soe variously possessed"³ and in Staffordshire a few months later the trained bands were in great disorder and mutinying for lack of pay.⁴

In order to supplement supplies obtained from the trained bands, Royalist gentry were called upon to supply horses. In August 1642 41 persons undertook to provide 95 horses for service within the county for three months.⁵ A further list prepared on 22 August shows responsibility for providing 76 horses. As the second list includes some Parliamentary gentlemen, it does not represent a voluntary contribution and is much more likely to be a list of gentlemen charged with providing trained band horse. Perhaps the muster of horse ordered for 12 August had been unsatisfactory.

1 Townshend, ii, p.69.

2 *Ibid.*, p.71.

3 Ottley, vii, p.253. Unsigned letter to Earl of Bristol.

4 Add.MS. 18981, f.25. Sir John Mennes to Prince Rupert, 2 February 1642/3.

5 Townshend, ii, pp.77-8.

6 *Ibid.*, pp.67.

Searches for arms were carried out and if any were found more "than were fitting for the rank and quality of the owner of the house", they were confiscated. There was particular concern on both sides to secure the arms of the Earl of Shrewsbury which had been taken from his house in summer 1642. Parliament regarded them as important enough to warrant sending John Wilde to the county in an attempt to force the bailiff of Droitwich, who had taken control of them, to obey the orders of Parliament.¹

It is very difficult to determine exactly how many regiments were raised for the King in Worcestershire. Notes of commissions to raise regiments have survived but, unless there is other evidence, do not prove that the regiment was actually recruited. References to regiments serving in a field army are often too cryptic to enable certain identification to be made. It is possible, however, to show that Worcestershire provided the King with substantial bodies of men for service outside the county. It is probable that the first Worcestershire unit to serve in a field army was raised by the clergy of the county who sent a troop of horse to serve under Major Carr.² Presumably they were responsible for maintaining a trained band company of foot or its war time successor.³ In September 1642 Sir Thomas Lyttleton was appointed Colonel over all trained band forces and volunteers, both horse and foot, and the commissioners of array were empowered to raise volunteers.⁴ In 1643 the King authorised a number of leading Worcestershire gentlemen to recruit and command regiments - in May Sir William Russell was commissioned to recruit 500 horse and 1500 foot,⁵ and in July Thomas Savage was to raise a further 500 horse.⁶ Though Lyttleton's troops may have been employed at Shrewsbury and those of Sandys joined the main army at times during the war, these regiments were intended primarily for home defence.⁷

Volunteer regiments raised in Worcestershire which served in the field army include at least three raised by Sir James Hamilton in May 1643, who were armed with weapons which the committee of safety believed should have been kept for local defence forces, 200 dragoons commanded by

1 *C.J.*, ii, p.711.

2 H.M.C. 14th Report, viii, p.203; Townshend, ii, pp.140, 143.

3 *Ibid.*, p.69.

4 *Ibid.*, pp.86-7; B.R.L. 351505 and 351506.

5 Black, p.37.

6 *Ibid.*, p.63.

7 I. Roy, "The Royalist Army in the First Civil War, 1642-6", Oxford D.Phil. thesis, 1963, pp.43, 173.

Henry Washington who were part of Hopton's new army in September 1643 and later stationed in Worcestershire, a regiment commanded by "Talbot" which was serving in Sir Bernard Astley's tertia in August 1644.¹ The identity of Talbot is uncertain but he is likely to have been either Henry Talbot, younger brother of Sherrington Talbot, a very active Worcestershire Royalist, or Francis, Lord Talbot, eldest son of the Earl of Shrewsbury. In 1643 Sir William Russell claimed to have sent 400 men to Lord Capel, though his enemies among the committeemen claimed that 250 of them deserted owing to lack of pay.²

The county was not responsible for paying the 2-4000 Worcestershire men who served in the King's field armies but the burden of maintaining the garrisons in the county was a considerable one and there were constant conflicts between the needs of the army and the reluctance or inability of the county to meet them. When the soldiers' pay was in arrears they had no inhibitions about plundering while the fact of being plundered made the inhabitants of the county both less willing and less able to pay the regular contributions demanded.

The regular garrison strength in the county was approximately 1400. In 1643 Sir William Russell claimed to have paid a total of 305 cavalry men, 370 dragoons and 799 infantry but these totals did not include company officers, staff officers, or the artillery so it is likely that the forces of the county amounted to approximately 1500 men.³ Not all the companies present in the county were part of the permanent garrison for the three regiments raised by Sir James Hamilton at the expense of the county were cut off and taken prisoner at Devizes.⁴ Most, if not all, of his troops were being paid by Worcestershire in the early months of 1643.

The cost of maintaining the garrison was a heavy burden on the county. In 1643 Sir William Russell was allowing the cavalry £1^s5^d a week, mounted dragoons 10/6, unmounted 6/-, and infantry 6/-.⁵ When paid in full the soldiers were expected to pay for their own quarters, a horseman at the rate of 8/- per week in 1643 and a footman at 2/6.⁶ In the King's

1 Roy, *op.cit.*, pp.182, 213-6.

2 Townshend, ii, pp.136, 144, 155.

3 *Ibid.*, pp.152-3.

4 Symonds, *Diary*, p.11.

5 Townshend, ii, pp.149,156.

6 *Ibid.*, p.162.

field armies special scales of rations and charges were laid down for officers and the superior social status of the cavalry was emphasised by the entitlement of troopers to a more varied and expensive diet.¹

It was objected that Russell was paying the men at too high a rate, common soldiers receiving 50% more than did those serving in the field army and in June the King issued an order that Worcestershire troopers were to receive 12/- a week and infantrymen 4/-. At the same time a substantial reduction was made in officers' pay.² In the later stages of the war further reductions were necessary.

Neither Royalist nor Parliamentary commanders were able to pay their troops in full and arrears in pay were frequently cited as being causes of mutiny, plundering and desertion. Even in 1643 the pay of the Worcestershire garrisons was falling into arrears. In May it was reported that Sir William Russell's horse and dragoons had received only £1073 of the £1755 to which they were entitled, and although some companies had been paid in full, or even over-paid, Captain Colt's company had received only £74 of the £1000 which was due, and most had received between one two third and two thirds of their pay.³ While there are no other detailed accounts showing arrears in Worcestershire, constant references to arrears in quarter sessions' orders and proclamations against plunder and free quarters suggest that the troops were never paid in full, though owing to fear of mutiny during the siege of Worcester in 1646 every effort was made to keep payment up to date.⁴

During the civil war the King was cut off from his normal revenue, and raising money for the Worcestershire garrisons and the King's field armies was a major operation which made it essential to strengthen and systematise pre-war methods of tax collection. In Worcestershire the most important sources of funds were the monthly assessment, special levies, the excise, sequestration of delinquents' estates, loans and voluntary contributions from wealthy subjects.

Of these sources of funds the monthly contribution was the most important. At Epiphany Sessions on 18 January 1642/3 the grand jury agreed to pay £3000 a month towards the maintenance of the King's forces. One John Bacon was appointed collector and instructed to pay the money to Sir

1 Roy, *op.cit.*, p.228; The same distinctions were made in Parliament's armies, C.H. Firth, *Cromwell's Army*, 1967, (orig. 1902), p.217.

2 Townshend, ii, pp.125-6, 156.

3 *Ibid.*, pp.149-50.

4 *Ibid.*, i, p.160.

William Russell, sheriff of the county and Governor of Worcester.¹ Unless the proclamation announcing the agreement is wrongly dated 12 January, the grand jury may merely have confirmed arrangements made by the commissioners of array.² The sheriff of the county was accountable for much of his expenditure to the Council of War.³ Except for part of 1644, the monthly assessment remained at £3000. Assessments were meant to be calculated on the same equitable principles applied in ship money ratings but there was the inevitable conflict between fairness and conservative desire to retain the traditional basis of rating, the yardland. It was soon established that the assessment was to be made according

to the rate and true value of the land and not according to the yardland unless they be of an equal value, not in quantity but also in quality, and likewise that you tax every person, vicar, curate and Impropiator for Tithes and glebe land.

The tax was to fall upon the landlord not the tenant, though the latter was to pay and deduct it from his rent. Tenants could be separately taxed if they had a large personal estate. Household servants were not to be charged and assessors were personally liable if they acted corruptly.⁴

Responsibility was carefully assigned to the various divisions of the county according to pre-war proportions. The county was split into three divisions, Halfshire and Doddington, Pershore and Blackenhurst, and Oswaldslow by itself. Every hundred contained two or three smaller divisions, each the responsibility of a high constable, except for Doddington, which consisted of seven towns of oyer. Within each division payment was made by parishes, and within them, by individuals. In almost all respects the administrative methods used in collecting the assessment were based on those used in pre-war taxation.⁵

It was difficult to collect the large sums demanded. £4000 per annum was the largest ship money demand and the £5802¹⁰/_{6d} which the county was to raise under the Act of May 1642 was regarded as unprecedentedly high, yet the total was equal to less than two months' assessment at the 1643 rate. Henry Townshend paid 8/- in a single subsidy, 16/- per annum in 1640 and 1641 when double subsidies were collected, £4 for ship money in 1640, and was to pay a total of £4 towards the £5802.⁶ When the assessment

1 Townshend, ii, pp.95-7.

2 Roy, *op.cit.*, p.230.

3 *Ibid.*, p.230; Harl.MS.6851, ff.133-4.

4 Townshend, ii, p.101; Harl.MS.6851, ff.130-130^v gives similar orders; Ottley, viii, pp.267-8. Disputes over rating methods in Shropshire.

5 Townshend, ii, pp.15-16, 52-56.

6 *Ibid.*, pp.25, 31, 57.

was raised to £4000 per month he was paying £2"15"4d monthly, or £33"4"0d per annum. This rate of taxation was extremely high by pre-war standards but it did not deprive tax payers of a high proportion of their income. Townshend, whose subsidy assessment was £4 would have had an annual income of £200 if the usual multiplier is correct. £2"15"4d per month amounted to £33"4"0d per annum or 16.6% of his income. Of course the disruption of the economy caused by the war may have reduced incomes from their pre-war levels, something which is indicated by the Committee of Compounding's use of valuations "in good times" when assessing delinquency fines, and the war produced other financial burdens, and the monthly assessment was high in terms of light pre-war taxation and in combination with the other costs of civil war.

The army needed supplies of food and provender just as much as it needed money. In February 1643/4 Prince Rupert agreed that half the contribution could be paid in kind at a fixed valuation.¹

The contribution was by no means the only tax imposed on the county. Special rates were levied to pay for transportation expenses,² a so-called voluntary contribution was demanded in 1643,³ the manufacture of gunpowder was financed by the county from public moneys other than the monthly assessment, at least in the first year of the war,⁴ and householders throughout the county were obliged to give troops free quarter. Apart from actual plundering it was free quartering which aroused the greatest opposition. Men were unhappy at having strangers compulsorily intruded into their homes and the conduct of many soldiers made civilians fear for life, property and the honour of their women.

Despite the obvious reason for the unpopularity of billeting it was generally accepted as a common law obligation and, in Somerset at least, the people did not object to free quarter "soberly taken".⁵ If properly conducted free quarter could be no more burdensome than any other means of providing for the soldiers' needs. Ideally each house was obliged to provide bed and board for only as many men as it could conveniently take and the householder was granted a ticket entitling him to claim expenses from the state. If the soldiers were given free billets

1 Townshend, ii, pp.160-163; W.R.O. 705: 24/876 is the original order.

2 B.R.L. 398269. Payments to carriage of the mint, etc, 1642.

3 Townshend, ii, p.104.

4 *Ibid.*, p.106. Order of the King, 8 March 1642/3.

5 Underdown, *Somerset*, p.106.

the amount due to the householder was deducted from their pay. Opposition was aroused by the conduct of soldiers in billets and by failure to redeem the tickets rather than by belief that free quarter was unjustified in law. Unauthorised taking of free quarter by soldiers who did not give tickets fell little short of plunder. As the war progressed attempts were made to regulate the quartering of garrison troops and ensure that the householders received regular reimbursement of expenses and to restrict the right of marching armies to a single night's lodging in any one place.¹

One source of income which the Royalists did not utilise as systematically as did their opponents was sequestration of estates. On 5 March 1642/3 the committee of safety was ordered to send the King details of rebels' names and the value of their estates, sequestration of delinquents' estates was authorised on 25 June 1643 and warrants appointing part of the committee of safety as a sequestration commission were issued on several occasions.² Rents were collected by county officers but were intended for the use of Oxford. In Worcestershire they were assigned to the maintenance of Prince Rupert's army but most of the funds were taken over by other officers. However money received from delinquents seems to have been only a minor source of funds. By October 1643 Sir William Russell had received only £494⁶/₁₀ from delinquents in Worcestershire and £267 from those of Gloucestershire and Warwickshire.³ An objection to these accounts claims that Russell had received "corn, hay and other commodities, to a great value, from several delinquents",⁴ but even if this is true the additional goods would not have elevated delinquents' estates into a major source of funds. In any case the taking of goods from Parliamentarians in the way suggested by the objection did not constitute formal sequestration. There are no other detailed accounts, something that suggests delinquents' estates continued to be relatively unimportant. However in 1645 Prince Rupert demanded that Henry Townshend pay £70¹⁶/₁₀ which he had received in payment of a personal debt from Daniel Dobbins, sheriff of Worcestershire in 1642, who had been declared a delinquent.

Townshend's letter of protest reveals something of the way in which delinquents' estates were sequestered, and of the legal uncertainties and lack of organisation which contrasted most unfavourably with the efficiency of Parliamentary sequestration. The demand to pay was a response to

1 *Infra*, p.259.

2 Townshend, ii, p.105; Harl. MS. 6851, ff.157-62; Black, pp.74, 158.

3 Townshend, ii, p.139.

4 *Ibid.*, p.144.

the need to meet charges for munitions, not a routine collection. Townshend claimed that there had been periods in which no one was commissioned to sequester estates, that it was uncertain whether Prince Rupert's Grand Commission, which included a clause entitling him to dispose of delinquent's estates, had superseded the county commissions and, furthermore, the commission of oyer and terminer sent for the trial of delinquents had never been put into effect. Thus Worcestershire delinquents' estates had been seized without legal process. It is notable, however, that the Royalist sequestration commissioners showed the same humanitarianism as their Parliamentary equivalents in allowing the wife and children of the delinquent to receive subsistence money from the estate.¹

Much more important than delinquents' estates were loans and contributions made on a supposedly voluntary basis. Some of the very large contributions made by wealthy magnates, especially those who raised and commanded their own regiments, were crucial to the Royalist cause. The value of the total services rendered is very difficult to quantify but after the civil war Lady Pakington, wife of Sir John Pakington of Westwood, claimed that her husband had lost £20,858 because of his service to the King. Of this £13,595 was a fine, leaving over £7000 spent in other ways.² Though Pakington was almost certainly the largest Worcestershire contributor, other leading gentlemen must have advanced substantial sums. On 5 March 1642/3 the King ordered the commissioners to call all potential lenders before them and raise such money, plate, horses and arms as they could provide on loan. Especially liberal supply was to be required from those who had in any way aided Parliament.³ In September 1643 the King required that the city of Worcester lend him £4000 and the county £3000 as one week's pay for his field army which was then passing through Worcestershire. The city protested that £4000 was too much but agreed to raise £2000 and apparently did so.⁴ This money would have been additional to the £31,018"0"9d which Sir William Russell had received as loans to the King between 10 December 1642 and 15 May 1643. This sum compares with the £5813"18"5d actually received as four months' contribution money.⁵ In addition to the money, the county had to provide 50 pounds of bread and 50 pounds of cheese a day while the field army was in the county.⁶

1 Townshend, ii, pp.258-261.

2 W.R.O. b705:349 (1); *C.C.C.*, pp.1195-6.

3 Harl. MS.6851, ff.130-130^v; Townshend, ii, p.104.

4 *Ibid.*, p.129; W.C.O.B., f.217.

5 Townshend, ii, pp.129-139.

6 *Ibid.*, ii, p.127.

In the first year of the civil war Worcestershire had achieved much for the Royalist cause. Troops had been raised for the King's field army, the manufacture of munitions was being undertaken on a large scale, much money had been lent to the King and the monthly contributions were supporting substantial local garrisons. Bewdley, Dudley, Evesham and Hartlebury were all fortified during the year and Worcester was transformed from a virtually indefensible city with crumbling walls and broken gates into a powerful fortress. The defences of the city of Worcester were so strong that on 29 May 1643 it was able to repulse a heavy attack by Sir William Waller with the loss of only five killed, three of them women killed "casually" by cannon shot. It is possible that the vigilance of the guards and the maintenance of the defences were allowed to decline once the immediate threat had passed for Sir Gilbert Gerard was critical of the state of the city when he became Governor in December 1643.¹

In the early part of 1643 Worcester had been transformed into a heavily defended city by extraordinary measures. A volunteer force had been raised under Captain (later Colonel) Martin Sandys and citizens induced to enlist by tax concessions.² According to the Royalist soldier, Symonds, 800 men joined the city's defence force.³ The city employed 60 men to work on the fortifications at 8d *per diem*.⁴ Attempts were made to strengthen the garrison by temporary recruitment from the county. On 11 April 1643 the trained bands were summoned to Worcester to show their arms,⁵ four days later the county was ordered to bring in all arms as well as supplies, and on 26 April all men aged between 16 and 60 were warned that they must be ready to be called out as a *posse comitatus* whenever Waller approached the city.⁶ On 29 April and 9 May the sheriff called out the power of the county to suppress riotous assemblies⁷ and on 28 May, the day of Waller's attack, all men were called to Worcester with three days' provisions but it is improbable that this order was widely obeyed. Immediately after Waller's retreat 400 women helped level the earthworks he had raised and labourers were conscripted from the county. One division of Doddingtree was required to send 50 men.⁸ It is obvious that the city and county were highly organised for defence in May 1643.

1 Bund, pp.14,39; Townshend ii, p.123; Add.MS.18980, f.165.

2 W.C.O.B., ff.214,214^v. 215^v, 11 and 16 March, 23 June 1643.

3 Symonds, *Diary*, p.11.

4 W.C.O.B., f.214, 11 March 1642/3.

5 B.R.L. 398279.

6 B.R.L. 398282.

7 B.R.L. 398325 and 398326; Townshend, ii, pp.221-2.

8 *Ibid.*, pp.122-4; B.R.L. 398330.

The county forces were also used in offensive operations. On 13 July the Royalists won an overwhelming victory at Roundway Down and forced Waller to flee to Gloucester. Sir William Russell's regiment joined the siege of Gloucester and bore the brunt of at least three sorties by the Parliamentarians.¹ After the battle of Newbury in September 1643 the West Midlands were securely in the hands of the King. This was an achievement for which the Worcestershire Royalists could take considerable credit.

Despite the Royalist successes of 1643 the year had revealed certain weaknesses which were to contribute to the ultimate defeat of the King. There was a great deal of friction between soldiers and civilians and the committee of safety divided into two factions. In the first months of the civil war local control was firmly vested in the commissioners of array and their successors, the committee of safety. Administration was carried on, as far as possible, by the pre-war machinery of government. In Shropshire looters were tried under a commission of oyer and terminer rather than by a military court in October 1642² and it will be recalled that in the early part of 1643 the committee of safety kept a tight control over the collection of contributions and threatened to punish soldiers who plundered in Worcestershire. There can be no doubt that Sir John Mennes spoke for many officers when he complained of subjection to civilian authority in Staffordshire.

For my part I cann doe his Ma^{tie} noe service heere at all being made useless by the insulting people whoe now tell us thire power & if 3 of the commissioners of aray may question the best of us, from wch power good lord deliver me & rather send me home from Cunstable to Cunstable to the parish I was born in. 3

Clarendon, who represented in central government the same moderate constitutionalism accepted by most Royalist gentlemen in their counties, wrote of the soldiers who

thinking the King's crown depended wholly on the fortune of their swords, believed no other persons to be considerable, and no councils fit to be consulted with but the martial. 4

It was not long before the attitudes of the soldiers came to prevail.

One of the most serious problems for Royalist politicians who wished to retain the goodwill of the county was the conduct of certain professional

1 Bund, pp.99-101.

2 Ottley, vi, p.246

3 Add.MS. 18981, f.25.

4 Clarendon, viii, § 276. Clarendon's opinion of the soldiers was reflected at the county level by Henry Townshend.

officers. One of the most notorious cases of misconduct by a senior officer was that of Lieutenant-Colonel David Hide at a New Year party in January 1642/3. Hide insulted the Mayor of Worcester for not leaving a present under his plate, berated him for failing to pay his soldiers and threw a trencher when the mayor came to the aid of his wife upon whom Hide was trying to force more wine than the mayoress was willing to drink. When Sir William Russell, the Governor of Worcester, attempted to end the quarrel, Hide insulted him, using words variously reported as "sonne of a bitch" and "son of a whore" to his commanding officer. Russell had to place Hide under arrest, but he continued to insult Russell, Sir James Hamilton, other officers and various civilians. He drew his sword and wounded a woman on the street. Russell brought charges against him at Oxford but failed to appear at the Court of War, thus ensuring that Hide escaped punishment.¹ It seems that the strict military discipline which might have prevented the misconduct of soldiers antagonising civilians was lacking in the Kings armies.

One quarrel which seriously hampered the efficiency of Royalist administration in Worcestershire was that between Samuel Sandys and Sir William Russell. There had long been antipathy between the two families. Sir William Russell had opposed the river improvement schemes of William Sandys and was briefly imprisoned for violently resisting the commissioners who investigated claims for compensation.² In 1640 Russell had lobbied against the candidacy of William Sandys for election as knight of the shire.³ During the first few months of the civil war the main protagonists were Sir William Russell and Samuel Sandys. In March 1642/3 Russell complained that Sandys's soldiers would obey no one but their Colonel and that they had insulted him. Sandys was obviously unwilling to punish his men for Russell had to appeal to the King for permission to take legal proceedings against them.⁴ The fact that he had not done so earlier reveals the uncertain status of military law among the county magnates. In July Russell complained to Prince Rupert that Sandys would not send his infantry when ordered.⁵

The most revealing incident of the quarrel followed the demand of

1 Harl.MS.6851, ff.79-87, 89-94, 102-3, 118-9, 122. I am grateful to Dr Ian Roy for his transcripts of these documents.

2 P.C.2/47, pp.163, 209. 24 February and 1 March 1636/7.

3 W.R.O.705: 24/647 (3). William Russell to John Horniold, 1640.

4 Harl.MS.6851, f.135; Add.MS.18980, f.103; Harl. MS.6802, f.32.

5 Add.MS.18980, ff.86, 103. Reconciling the requirements of military discipline and the desire of the magnates to act with peace-time independence was a perennial problem during the civil war.

the Easter Sessions' grand jury that Russell tender an account of the money he disbursed, a demand which was backed by an order from Oxford.¹ When Russell tendered his accounts in October it became apparent that there were serious differences among members of the committee of safety. Russell's accounts were challenged. He was charged with poor accounting procedures, failure to account for or fully collect the monthly contribution, oppression, slighting the committee of safety and turning mutinous troops on them, supplying the county's arms to Sir James Hamilton contrary to the King's proclamation, and persuading Lord Coventry to come to terms with Parliament. Russell replied by justifying his own actions and attacking the conduct of Colonel Samuel Sandys and Sir Ralph Clare. The King ordered the accounts to be investigated and three different versions were returned. Russell himself claimed that he had disbursed £3338"15"3d more than he had received, Clare and some of the other committeemen replied that Russell owed the county £5165"11"10½d. The last finding was that Russell was owed £21"0"6d. It appears that Russell had not kept particularly reliable accounts but that his version of the truth is to be preferred to that of the objectors. Certainly there is no question of Russell having personally benefited. The financial charges against him were that he had paid officers and soldiers at too high a rate, that he had continued to pay them while they were outside the county and therefore the King's responsibility, that he had failed to account for some contribution money and that the arrears in collection ought to be his personal responsibility as he was the only person with the power to collect them.¹

The particular nature of the exceptions and the way in which Russell replied with personal attacks indicate that there was something more to the debate than simple differences over the accounts. In the first place there were disagreements between the civilian committeemen and Russell, who was a regimental commander as well as committeeman and Governor of Worcester. The objections to the way in which he paid his troops show the difference in attitude between the military officer and the civilian administrator. It seems, too, that the officers were claiming "dead pays", normal practice on the Continent but one to which the civilian magnates objected. To this extent the dispute was over the degree to which the military was accountable to civilian control and it is possible that the original demand for accounts made at quarter sessions was motivated by nothing more than the

¹ Townshend, ii, pp.131-157; Harl. MS. 6851, f.134. The order of the Council of War applied only to funds paid to Sir James Hamilton.

desire to limit the power of the military commanders. It is clear, however, that the rivalries of the Sandys and Russell families played an important part in this dispute. The pre-war conflict over the river improvement scheme may have been revived by the King's issue on 5 March 1642/3 of a commission to Thomas Savage, Edward Dingley and others to survey the work undertaken between Tewkesbury and Evesham and report what was necessary for completion.¹ It appears that the traditional rivalries between the north and the south of the county played some part in the dispute - Sir Ralph Clare, Sir John Pakington, Samuel Sandys and virtually all the committeemen who made objections against Russell's accounts were from the north of the county and it is likely that Russell and Clare headed rival factions in the committee of safety. The quarrel was referred to the King at Oxford but despite majority support for Clare and Sandys, the King decided in favour of Russell.²

After the battle of Newbury in September 1643 the only threat to Royalist control of Worcestershire was "that unfortunate obstinate town of Gloster which only kept him [the King] from commanding the whole Severn".³ In January 1643/4 Herefordshire was in Royalist hands and the line from Worcester to Oxford was secured by garrisons at Stow-on-the Wold, Campden, Stoke, Evesham, Pershore and Worcester itself. The north of the county was garrisoned by Sir Thomas Lyttleton at Bewdley, Colonel Samuel Sandys at Hartlebury, and Colonel Leveson at Dudley Castle. In the south Sir William Russell fortified his own home at Strensham and, outside the county, forces which formed part of the Worcestershire defensive system held Sudeley (Lord Chandos) and Tewkesbury, (Sir William Vavasour).⁴ In February the Parliamentarians were able to threaten the Royalist monopoly of power in Worcestershire when they established garrisons at Edgbaston, Stourton Castle, near Stourbridge, and Hawkesley, between Bromsgrove and Northfield.⁵

During the first part of the year there was no major fighting in the county. Raids into the north of the county had considerable nuisance value and Sir Thomas Lyttleton, Governor of Bewdley, was captured in one of them. In May 1644 Tewkesbury fell to Massey and provided a base for raids into south Worcestershire. In June the King entered the county with

1 Townshend, ii, pp.138-157; Black, p.34.

2 Townshend, i, pp.134-5.

3 Clarendon, vii, § 298.

4 Bund, p.114.

5 *Ibid.*, p.115.

a large part of his army when he was forced from Oxford by the combined forces of Essex and Waller. There was desperate marching and counter-marching in Worcestershire as the King strove to evade Waller. He managed to avoid meeting the main Parliamentary forces at a disadvantage and won the battle of Copredy Bridge in June. After the immediate threat to Royalist rule was removed by Copredy Bridge, the King engaged in a number of minor actions before leaving the county. From July 1644 till May 1645 Royalist control was challenged only by small scale raids in the north and the south of the county.

Throughout the period September 1643 to May 1645 Royalist administration was seriously impeded by enemy action only in June 1644. During this time the relative security of Worcestershire and the West Midlands allowed the conflicts between the civilians and the military officers to become more pronounced, there was a transfer of power to the army, and attempts were made to reverse the trend towards military rule by calling the Oxford Parliament and by forming an association of West Midland counties which it was hoped would better preserve the power of the county magnates than could the counties acting alone.

The most serious problem during 1644 was providing the men the King needed for his field army and finding money and provisions for the county garrisons. In the early stages of the war all soldiers recruited into the field army were volunteers. In some counties, at least, the trained bands were compelled to perform local service and in several, including Worcestershire, the *posse comitatus* was called out from time to time, but there was no conscription into any of the King's field armies. As early as November 1643 the impressment of foot was authorised and in February 1644/5 the King ordered that 600 men should be pressed from the Associated Counties of Worcester, Shropshire, Hereford and Stafford. In March a commission was issued to press 267 men in Worcestershire, probably as the county's contribution towards the 600.¹ There can be little doubt that conscription was more widespread than is revealed by the surviving records. In any case it was not the scale of conscription that was important, but the fact that the King was forced to introduce it, and could no longer pretend that his army was manned by volunteers come to protect his throne and the liberties of England against rebellion. Conscription revealed a definite step towards military predominance in local government. Service

1 Harl.6852, f.199; Black, p.164.

in the field armies seems to have been less popular with Worcestershire soldiers than membership of a county regiment, for the Council of War had to order that deserters from Sir James Hamilton's regiment who had re-enlisted in garrison units should be returned to Hamilton.¹

It was difficult to meet the needs of county garrisons. In February 1644 the county reluctantly agreed to increase the size of its forces to 2000 foot and 500 horse,² but this proved too great a burden and in July the number of soldiers in the county was restricted to 1000 foot and 400 horse.³ This number did not include the garrison at Dudley Castle, which was apparently supposed to collect money and provisions from Staffordshire.⁴ As discussed above, soldiers' pay fell into arrears even during 1643. The reason probably lay in failure to collect contributions in full. The monthly levy was fixed at the level needed to provide sufficient pay and provisions for the troops and the number of soldiers was restricted by the ability of the county to pay for them. Bund calculated that the pay of the Worcestershire regiments amounted to £2,400 a month. Had the £3,000 been collected in full there would have been ample funds to provide for the troops. Even when the contribution was collected in kind as well as in money they should have received their full wages, as half the pay of a soldier who had quarters provided by the authorities was deducted to cover the cost. Thus the county soldiers could have received half their nominal pay in food, lodging and horse provender.⁵

Unfortunately for the Royalist cause, it was extremely difficult to collect the contribution in full. Even in the first few months after the assessment was imposed the yield fell rapidly - £2342¹⁰1d in January, £2055¹⁷7d in February, £1361⁰0d in March, and by mid-May 1643, only £54¹2d of the April assessment had been collected.⁶ In July 1644 the contribution money was said to be five months in arrears.⁷ As soldiers' pay fell into arrears, seizure of supplies and taking of free quarter was an increasing burden. The King issued a proclamation forbidding these practices on 2 June 1644,⁸ but the situation could not be remedied by a simple order. Attempts were made to reconcile the conflicting needs of

1 Harl.MS. 6852, ff.106, 154.

2 Townshend, ii, pp.160-3; W.R.O. 705: 24/876.

3 Townshend, ii, p.171.

4 Roy, *op.cit.*, p.68.

5 Townshend, i, p.lxv (Editor's note).

6 *Ibid.*, ii, p.139.

7 *Ibid.*, p. 172.

8 *Ibid.*, p.170.

soldier and civilian by local agreements. In Worcestershire billeting was carefully regulated, the marching armies being restricted to only one night's residence in a parish unless they were able to pay with ready money. A cavalryman and his horse were to be billeted for 8/- per week and a foot soldier for 2/6. A later clause in the 1644 agreement allowed free quarter provided that no more was demanded than "house room and such fire, candle and salt as they of the family use for themselves", a concession to Continental practice. Billeting arrangements were to be made in conjunction with parish officers and householders had an absolute right to refuse camp followers.¹ In May 1644 parishes were permitted to debit sums owed for billets against their contribution monies and claim payment from the County Treasurer if the value of the quarters exceeded that of the contributions.² From the point of view of the county this was an improvement on the 1643 arrangements which had made billeting a charge additional to the monthly contribution.³

On 22 July 1644 a county meeting at Droitwich proposed further regulations. The number of soldiers in the county was to be limited to 1400 and the county divided into districts each of which was to support a distinct body of troops, and free quarters were to be prohibited. In return the county was to pay arrears of contributions.⁴ These recommendations were put into practice shortly afterwards.⁵ The new system was perhaps an admission that central control had failed. The needs of the armed forces were to be met by local arrangements at the parish level, not by a county-wide collection of rates and disbursements by the County Treasurer.

In 1644 attempts were made to tap new sources of funds. In February 1643/4 the Oxford Parliament agreed to raise £100,000 by asking for loans of plate and money and printed warrants were sent to gentlemen and others who were reputed to be rich. The latter money, as it was called, helped finance the spring campaign of 1644. On 30 March the high sheriffs of counties were authorised to accept contributions towards the £100,000 but this is one fund raising device not recorded by Townshend.⁶ Evidence from neighbouring Shropshire suggests that there may have been

1 Townshend, ii, pp.160-3.

2 *Ibid.*, p.166.

3 *Ibid.*, p.106.

4 *Ibid.*, p.172.

5 *Ibid.*, pp.173-4, 176-181.

6 Roy, *op.cit.*, p.246; Clarendon, vii, § 395; Add.MS.18981, ff,86-8, 107-8; Black, p.173 *et seq* for the commissions.

difficulty in collecting the letter money and it was certain to have been unpopular.¹

A more radical step was the introduction of the excise. In December 1643 the Council of War followed Parliamentary precedent in adopting a method of taxation which extended the burden of supporting the civil war to all who bought certain commodities and this attempt to extend war taxation beyond the land-owning classes was enthusiastically supported by the Oxford Parliament. The excise came into operation not later than May 1644 and it was said by Clarendon to have provided funds for purchasing arms and ammunition for garrisons.² In October 1644 the excise master of Worcester-shire was holding money for the use of Prince Rupert.³ The excise seems to have been an important secondary source of funds to the Royalists.

The conflict between the military officers and the civilians was caused by the inevitable differences between the soldiers and their pay-masters, by plunder and other bad conduct of the soldiers, and because of jealousies between the professional officers and the civilian magnates. The difficulty in collecting contributions has been outlined above and the arrears in pay encouraged soldiers to plunder. It will be recalled that the committee of safety considered that it was able to punish looters in the first month of its existence and the King issued proclamations condemning plunder on several occasions. Plunder was of two types, individual acts of theft committed by wandering soldiers and organised raids by troops whose officers acted according to the Continental code of war. One of the most notorious professional officers in the Royalist army was one Colonel Bard, regarded by Clarendon as licentious and one who "exercised an illimited tyranny over the whole country".⁴ He once sent the following notice.

Know you that unless you bring unto me (at a day and hour in Worcester) the monthly contribution for six months, you are to expect an unsanctified troop of horse among you, from whom if you hide yourselves they shall fire your houses without mercy, hang up your bodies wherever they find them, and scare your ghosts. 5

In Germany the fire raid was an accepted practice of war but in England it was regarded with horror. The reputation of Prince Rupert as "Prince Robber, Duke of Plunderland" sprang from his following the Continental code,

1 Ottley, viii, pp.258-261.

2 Roy, *op.cit*, p.245; Clarendon, vii, § 396; Harl.MS.6852, f.323.

3 Bodl. MS. Firth, C.7, ff.209-10.

4 Clarendon, ix, § 32.

5 Bund, p.151.

German precedents justified his destruction of Birmingham.¹ Individuals or groups of countrymen who resisted plunder were likely to be treated as the King's enemies. In 1645 Somerset villagers who resisted the soldiers were overpowered by reinforcements and each village which had turned out to prevent organised plunder was fined £30.² In Wiltshire it was proposed that the county should appoint a provost marshall empowered to raise a troop of horse to protect each hundred that contributed to the cost from plunder by garrison troops.³

It should, of course, have been unnecessary for the county to protect itself against its own garrisons. The reason for this degeneration in behaviour lies, at least in part, in the replacement of county magnates by professional officers in senior commands within the counties. In Worcester the first two Governors were county gentlemen, Sir William Russell and Colonel Samuel Sandys, but from 1644 the Governors of Worcester were professional officers, Colonel Gilbert Gerard and then Colonel Henry Washington.⁴ Townshend charged the country gentlemen who obtained commissions with adopting military vices but it is scarcely likely that they were ever as imbued with the German code of war as were the professionals. The officers refused to implement the King's orders to punish looters. In an attempt to protect the countrymen in cases involving disputes with soldiers, members of the committee of safety were empowered to sit as full members of the court of war which heard the case and they occupied the most honourable positions next to the President of the Court. However the Governor had the power to veto any punishments they wished to impose on looters.⁵ Townshend complained that the committee of safety had done their best to protect the county from the tyranny of the soldier but that it was all in vain.

The powers of punishment lying in the Governor as Commander-in-Chief, And the Commissioners being only as Councillors and Subordinates, few barbarousness, plundering, nay High Insolencies against the Commissioners themselves punished . . . when they touch the regulating of the soldier, or his punishment, then often the Commander-in-Chief will give them golden promises, but seldom or rare performance. 6

The constant demands that plunderers be tried by common law, not by court martial, indicates that the military officers did not do their duty in punishing offenders.

1 Bund, pp.84-9.
 2 Underdown, *Somerset*, p.91.
 3 Harl.MS. 6804, f.104.
 4 Harl.MS. 6802, ff.213-4.
 5 Townshend, ii, p.211.
 6 *Ibid.*, i, p.138.

Even acts of violence by officers and gentleman volunteers upon their comrades in arms were seldom punished. The way in which Colonel David Hyde escaped punishment by the failure of his commanding officer to prosecute has been described above. In 1644 Colonel Martin Sandys killed Captain Robert Steynor, apparently in a private quarrel, but was not brought to trial, despite the King's order that the case should be heard at the next assizes.¹ It is an interesting commentary on the King's attitude to military justice that the order cited royal distaste for murder and determination that offences of that sort should be punished as the reason for allowing Sandys to be tried at common law, even though he was a soldier. Despite the strong language of the King, Sandys was able to evade trial and he was soon restored to the King's favour.

In 1646 charges of murder were brought against Henry Lyttleton at a Court of War in Worcester. Lyttleton had killed Captain Simon Norton, apparently in self defence, when Norton attempted to disarm him and used insulting language. The connection of Lyttleton with the Royalist army is uncertain. He was not a commissioned officer and he protested against trial by court martial on the grounds that he was not a soldier. Edward Lake, the Judge Advocate General of the garrison at Worcester, ruled that he was a member of the King's forces, and proceeded with the trial. It is probable that Lyttleton was a gentleman volunteer and that his objection to a military trial reflected fear that the professional officers would be biased against him. Existing evidence suggest, however, that court procedure gave no undue advantages to the prosecution. Depositions in favour of the accused were recorded and the trial was adjourned to allow witnesses to appear. As the Judge Advocate General had ruled Lyttleton to be a soldier, all the judges were military officers. Of the fifteen members of the court martial, only two can be identified as Worcestershire magnates and one other may have been a county gentleman. All the rest were professional officers. It appears that the military trial was not completed for Lyttleton was tried and convicted of manslaughter at the first assize after the fall of Worcester. A Royal pardon saved Lyttleton from punishment.²

The drift towards increased military predominance was challenged at the national level by the summoning of the Oxford Parliament. It is very likely that the King saw the Oxford Parliament as an opportunity for propaganda, as a way of giving the lie to assertions that his victory would lead to absolute monarchy, and as a means of cultivating country opinion.

1 Bodl. MS. Eng. C. 309; Egerton 2979, f.197.

2 B.R.L 347159 and 352035.

Eight men represented Worcestershire at the Oxford Parliament and two more were granted leave to be absent, one of them the octogenarian M.P. for the city of Worcester, John Cowcher, who is generally believed to have adhered to the Westminster Parliament. Only half the Worcestershire representatives had been elected to the Long Parliament.¹ Despite the undoubted Royalism of the Worcestershire members, and presumably of those from other counties, the Oxford Parliament expressed "country" opinion. It called upon the King to seek a negotiated peace with the Westminster Parliament, it expressed concern at the conduct of the King's soldiers, and it attempted to lessen the financial burden of the land-owning classes by adopting the excise. The moderate constitutionalism of the Oxford Parliament was not pleasing to the King as he was increasingly influenced by the extremism of the soldiers and courtiers who surrounded him. Had the King not quarrelled with the Oxford Parliament it could have played an important role in both administration and propaganda.

There was a determination to resist military dominance at the local level. Quarter sessions continued to act as a county forum. The order of Prince Rupert increasing the Worcestershire assessment to £4000 a month in February 1643/4 indicates a move towards direct military control but it was unsuccessful at this time and the Prince had to meet with the commissioners and modify his orders in accordance with the wishes expressed at Easter quarter sessions.² Quarter sessions continued to defend the rights of the county throughout 1644 and 1645, contesting excessive assessments, demanding control over billeting, and appointing Henry Townshend as muster master of the county forces in December 1644.³ Even in 1646 Prince Maurice thought it necessary to have his orders approved by Epiphany sessions.⁴ This was probably the last meeting of quarter sessions until after the fall of Worcester.⁵

Though quarter sessions were dominated by Royalists there was constant tension and rivalry with the military authorities. Despite increased willingness of local commanders and soldiers to take the law into their own hands in the later stages of the war, Prince Maurice and the King himself considered it desirable to obtain the co-operation of quarter sessions, even though it was necessary to negotiate. Quarter sessions refused to add

1 T.T. E.1656 (6), p.20.

2 Townshend, ii, pp.160-7.

3 *Ibid.*, p.205.

4 *Ibid.*, pp.250-5.

5 *Ibid.*, p.265. No further meeting had been held by 8 April 1646.

a civilian seal to decisions taken by the military authorities unless convinced that they were in the interests of the county.

Despite the care taken by the senior commanders to consult with the county leaders and to reach agreement with them over taxation and billeting, individual officers and soldiers often ignored arrangements made at quarter sessions and flouted civilian authority. Resentment at this type of conduct was responsible for the plan to form an association of counties which would control their own armed forces. Counties had been grouped for military purposes in the past. In the first months of the civil war, the King had encouraged the trained bands of Worcestershire to unite with those of Lancashire, Staffordshire, Herefordshire, Shropshire, Denbigh and Flint against the Earl of Essex at a time when the King's field army had not been able to provide protection.¹ In 1643 Worcestershire was placed under the regional command of Lord Capel, appointed Colonel-General of several West Midland counties. He made Shrewsbury his headquarters and seems to have had little influence over events in Worcestershire.² In 1645 Prince Maurice was to be given a regional command and to make his headquarters at Worcester.³ These regional military associations were purely a means of establishing a chain of command in the armed forces and they were not particularly successful. The Colonel-Generals were engaged in perpetual squabbles both with Oxford and their subordinate commanders and they were rarely able to exercise authority except in the vicinity of their headquarters.⁴ The association proposed in late 1644 was a totally different type of institution, designed to strengthen local control over the armed forces rather than to link them more closely to the high command at Oxford.

In late 1644 and early 1645 there was little immediate threat to Worcestershire and the West Midlands. Massey was able to raid southern Worcestershire from his base at Gloucester but there seemed little likelihood of an invasion by any substantial Parliamentary force. The King had strong armies and even some Royalists saw the conduct of the King's soldiers as a greater threat than attacks by Parliament. Some, indeed, were to come out in favour of neutralism and join the clubmen. Many loyal Royalists hoped to reduce the burden on the county while, at the same time, retaining

1 Townshend, ii, pp.82-84.

2 Roy, *op.cit.*, p.66; Ottley, vii, pp.303-4.

3 Townshend, ii, p.206.

4 Roy, *op.cit.*, pp.66-8.

the King's armies at full strength.

The initiative for this association seems to have come from Worcestershire. In December 1644 the gentlemen and freeholders of the county were summoned to a meeting at which ways of combatting "the daily Incursions, Plunders, Rapines and Murders committed by the forces raised (as is pretended) by the power of Parliament".¹ What the meeting did not openly express was the desire to check similar, though unofficial, acts by the Royalist forces. On 6 December the meeting resolved to petition the King to allow Worcestershire, Shropshire, Herefordshire, Staffordshire, Monmouthshire and other neighbouring counties to form an association which would raise forces under officers appointed by the Association.² Secretary Nicholas replied on the King's behalf approving the request to form an association but insisting that the appointment of officers would have to be subject to the Royal assent.³

In January 1644/5 the Earl of Shrewsbury, Sir William Russell, Sir Ralph Clare, and Henry Bromley of Holt, the sheriff elect, were appointed by quarter sessions to meet with the representatives of the other counties. Articles of Association were sent to the King for approval on 11 January 1644/5. Though the county magnates who drew up the articles requested that Prince Charles be appointed General of the Associated Counties and proposed to mobilise the *posse comitatus* in aid of the King, much of the petition involved criticism of the existing Royal forces.

For the soldier assuming a liberty to rapine and insolence, hath discharged the subject and thrown him into a confused despair. Seeing the sweat of his most honest labours serve only to rise up disorder and riot, in the interim our Garrisons weakly supply, our fortifications neglected, our frontiers laid waste, And in the most inward parts of this County no man's person secured. 4

This situation was said to result from the King's reliance on soldiers of fortune.

The Association proposed to muster a *posse comitatus* consisting of all men aged between 16 and 60 who would serve under officers appointed by their own county, remain subject to common law, and be liable to serve anywhere in the Associated Counties. In return for raising this force the Association requested exemption from providing free quarter, the power to muster the troops of Royal garrisons so that commanders claiming more

1 Townshend, ii, p.182.

2 *Ibid.*, pp.183-4.

3 *Ibid.*, pp.186-7.

4 *Ibid.*, pp.191-2.

men than they had under them could be punished, the committee of safety was to have full authority over all contributions and receipts from delinquents' estates, looters were to be tried by common law and garrison commanders forbidden to make levies on the countryside.¹

The formation of the Association may be seen as an attempt by the "country" to resist the trend towards rule by the professional officers. Its own troops were to be commanded by officers appointed by the county authorities, no doubt the magnates of the shire, looters and deserters were to be tried at common law in order to circumvent commanding officers' unwillingness to punish subordinate officers and men who had broken the law of England, though not necessarily the Continental code of military practice, and the county was to possess forces capable not only of opposing invasion but of forcing the professional officers to obey the law. The county authorities wished to have both the legal right and the means to coerce officers who refused to conform to English norms of behaviour.

The King accepted most of the proposals but insisted on retaining the right to press 600 men by 21 March, to approve the officers appointed by the commissioners, and to assess the clergy directly from Oxford.² The attempt to make soldiers accountable at common law was only partially successful. The King's proclamation against looting on 26 February made looters liable to trial at common law only if they were deserters. Other acts of plunder were to be tried at court martial, a situation which gave the county no protection against soldiers who were shielded by their commanders.

The objectives of the Association were to be achieved only in part for Prince Maurice, appointed Lieutenant-General of Worcester and the neighbouring counties, issued his own orders defining the relationship between military and civilian authorities in February 1644/5.³ Though Maurice's orders allowed the committee of safety most of the power it had requested under the Articles of Association, the military exigencies of 1645 and 1646 were to result in the military assuming increasingly direct powers over the county, with Maurice issuing demands for supplies without any recorded reference to quarter sessions or the committee of safety⁴ and irritating even such a devoted Royalist as Henry Townshend by imposing

1 Townshend, ii, pp.191-5; B.R.L. 381201, pp.294-306. Articles in full.

2 Townshend, ii, pp.195-7.

3 *Ibid.*, p.206.

4 *Ibid.*, p.225.

a loyalty oath on the county.¹

The Association was the response of the gentlemen of the county to the abuse of power by the military officers. The clubman movement was the reaction of the lower ranks of the "country". Many requests had been made by farmers that forcible resistance to soldiers who were taking goods illegally should be permitted and that soldiers who used the collection of contributions as an excuse for private looting should be hanged as common criminals.² In 1645 a large number of farmers in the Teme valley, perhaps as many as the 1000 claimed, met at Woodbury Hill and protested against illegal taxation and the

outrages and violence of the soldier; threatening to fire our houses; endeavouring to ravish our wives and daughters, and menacing our persons.

3

They claimed that their intentions were to defend the true Protestant religion contained in the Church of England against popery and sectarianism, to defend the King's person, honour and estate, to preserve the privileges of Parliament, to protect the subject against plunder and violence, and to resist the power of papists. The clubman movement was not confined to the north of the county for in November as many as 3000 were said to have met at Bredon Hill and, under the leadership of a Mr Dinely, to have declared for Parliament as a protest against plundering by the garrison of Worcester. Early in December a large body of clubmen attempted to obstruct the passage of Rupert and Maurice who were proceeding from Worcester with a small escort. The trained troops were able to cut their way through the much larger body of countrymen and there is no further reference to armed risings by clubmen in Worcestershire.

The clubman movement does not show that the common people supported one side or the other in the civil war, only that when pushed too far they would rebel against the side which was oppressing them. In Wiltshire the clubmen turned against Parliament and those of Hereford disappointed Massey's hopes when they showed that their activities were directed against all plunderers, not just Royalists. It is notable that the two areas where the clubmen were strongest in Worcestershire were places where there was still a large population of peasant farmers supporting themselves on small farms with the aid of by-employments and unstinted grazing, and comparatively few gentlemen. If the number gathered at Bredon was as large as was claimed,

1 Townshend, ii, pp.231-3.

2 *Ibid.*, pp.172-3,174-5,193,198,201.

3 *Ibid.*, p.222.

4 *Ibid.*, pp.241-3; Bund, p.173.

men from the fertile plains must have joined, but the nucleus of the movement seems to have been provided by the independent farmers of the wood-pasture areas aided by a small number of minor gentlemen.

Though the Royalist cause had seemed secure in Worcestershire in January 1644/5 and had been strengthened by Rupert's capture of Ledbury and the King's destruction of other bases for Parliamentary raids, the situation was changed by the fall of Evesham on 25 May. The line of communications between Worcester and Oxford was cut. In July Worcester was threatened by the Scots under Levin and the county forces were involved in the relief of Hereford in September. After Hereford fell to renewed Parliamentary attacks in December, the Royalists steadily lost ground in the West Midlands. Early in 1646 Astley was defeated at Stow-on-the-Wold and the Royalist garrisons were picked off until only Strensham and Worcester remained. Worcester was besieged from 25 May to 23 July and was the last city in England to surrender.

During this last phase of the war military necessity took precedence over all other considerations. Men, money and supplies were conscripted by garrisons and field armies. Only the military were able to collect the regular contributions. Even in the city of Worcester the civil authorities found it impossible to collect and in August 1645 the Chamber decided to hand over defaulters in assessments to Prince Maurice.¹ In September it was decided that two officers should collect with the constables and in October Colonel Martin Sandys was invited to assist in the collection of his own and his officers' salaries from St Andrew's ward.² In July 1645 all men in the county aged between 16 and 60 were ordered to work on the Worcester fortifications when an attack by Leven was expected.³ Some troops raised by the *posse comitatus* may have been sent to the relief of Hereford.⁴

In April 1645, when the King was going to raise the siege at Hereford, Worcestershire was ordered to provide substantial quantities of provisions, entrenching tools, and 160 carriages each drawn by five horses. It was possibly at this time that Prince Rupert took cloth from the Worcester clothiers, which was afterwards paid for with contribution money.⁵

The last crisis faced by the Royalist magistrates was the siege of Worcester in 1646. On 26 March Generals Brereton, Morgan and Birch summoned the city to surrender. The Governor, Colonel Henry Washington, was determined to keep the city and he prepared it to withstand a siege. He strengthened the defences, cleared all buildings which provided cover to attackers and imposed

1 W.C.O.B., f.232.

2 *Ibid.*, f.233.

3 Townshend, ii, p.237.

4 Bund, pp.166-7.

5 W.C.O.B., f.232.

an oath on all soldiers and townsmen that they would not surrender the town without mutual consent. At the commencement of the siege, there were 1507 soldiers and 7013 civilians in the city. Washington proposed to pay the troops 3/- a week by levying a tax on all householders and to provide for their maintenance by imposing responsibility for their billeting charges on gentlemen and prosperous citizens.¹ The levies were heavy, yet not enough money could be raised and many soldiers deserted. If it had not been for the defeat of Royalist armies in other parts of the country, Worcester would have been well situated to have withstood a siege. Supplies of food were substantial and the city was not completely blockaded at first. As word of Royalist defeats came in, morale fell.² On 17 June many of the Chamber wished to treat with the enemy but Washington rejected the proposal.³ On 25 June word of the fall of Oxford was received and Washington agreed to enter into negotiations. Representatives were appointed by each of three groups, the citizens, the gentlemen, and the soldiers and the strength of the peace party was shown by the citizens' election of Alderman Hemming, a known supporter of Parliament, as one of their representatives.⁴

The negotiations dragged on throughout July but the situation of the city became increasingly critical. It was difficult to find money to pay the soldiers, many of whom were mutinous, men working on the fortifications struck for higher pay, and it was eventually necessary to open the magazine and provide emergency rations.⁵ Opening the magazine meant that the terms of the surrender would be worse than if supplies of food were still in reserve. There were strong differences among the defenders and on 23 July Washington surrendered rather than face a storm.⁶ Royalist rule of Worcestershire had given way to that of Parliament.

The victory of Parliament in the civil war is sometimes ascribed to greater material resources and sometimes to better administration. Neither of these reasons is necessarily true. The supply of men and munitions which the King was able to receive from Wales and the West Midlands was sufficient

1 T.T.E.254 (10); Townshend, i, pp.100-5.

2 *Ibid.*, pp.108, 111-3.

3 *Ibid.*, p.128.

4 *Ibid.*, pp.141-4; W.C.O.B., f.240. The Governor objected to the inclusion of Hemming among the negotiators but on 26 June the Chamber refused to replace him. Alderman Hackett, another negotiator appointed by the city, was probably sympathetic to Parliament, but Sir Daniel Tyas, the third member of the city's delegation, was a strong Royalist.

5 Townshend, i, pp.168, 174; W.C.O.B., f.240v. In order to end the strike, funds were raised to pay the men in advance. An attempt by the Chamber to reduce the soldiers' pay was only partially successful. They hoped to reduce it from 2/6 to 1/- a week but were forced to pay 2/-.

6 Townshend, i, p.191.

to support his cause for almost four years. Parliament's material advantages were not as great as has sometimes been supposed. Relative administrative efficiency is more difficult to assess, and, at the national level, it is beyond the scope of this study. In Worcestershire the system of control at the county level was surprisingly similar to that known to have existed in counties under Parliamentary control.

The Worcestershire Royalists achieved much for the King. They built an army, they garrisoned the county, provided substantial quantities of munitions, collected money for the King, and provided food and provender for his field armies when they passed through the county. The successes of the Royalist administrators in Worcestershire were sufficient to answer any charge of gross incompetence.

Despite their achievements it would be a mistake to regard Royalist administration as having attained the greatest possible efficiency. Effectiveness was severely handicapped by divisions between the civilian and military authorities and by factional squabbles among members of the committee of safety. The most serious weakness in Royalist administration was the alienation of the country by soldiers and the usurpation of civilian authority by the military. According to Townshend, the frustration of the committee of safety at the loss of their powers resulted in lax attendance and all the work being left to five members in the later stages of the war. Townshend condemned the soldier and his "ranting ways" which, he claimed, infected even Worcestershire gentlemen who held commissions, and blamed the dominance of the officers over the civilian administrators for defeat in the civil war. Townshend's opinions reflected his character and his experiences as a member of the committee of safety; they are not objective statements but utterances made in the bitterness of defeat. Despite his understandable bias, much that Townshend said is an accurate assessment of the situation. The work of the commissioners had made Royalist victory possible; the King's adoption of extremist policies and the misconduct of the army had alienated the country and lost the war. Without the committee of safety

the King had never been in a condition to have done that which he hath done, and might have played his own game to set his crown once more on his head by the fidelity of this country, if there had not been a fate in him to follow private Councils more than his own judgment and some moderate councillors. And the loss of this County, their defection from his Majesty had quickly been seen and found through the oppressive insolency and plundering of the soldiers . . . Their officers thriving only, the soldier starving, and the county exhausted and undone.

1

IX

FROM CIVIL WAR TO RESTORATION

In the civil war the cause of Parliament was supported by only a minority of Worcestershiremen and was backed by substantial numbers only in the clothing towns. As a result of this very limited support in the county Parliament could exercise authority only when it was able to impose its rule by force. Parliamentary government in Worcestershire could exist only when central government was strong, it could survive only with the backing of a degree of centralisation beyond the wildest dreams of Strafford and Laud. The history of Parliamentary rule in Worcestershire is the account of vain attempts by an unpopular minority regime to gain the support of the county community, and of repeated efforts of a minority of Royalist irreconcilables to persuade the county to rebel and restore the King. During the war country opinion was generally pro-Royalist but critical of soldiers and courtiers, wedded to an unchanging desire for a return to constitutional government and co-operation between King and Parliament. Only a tiny minority of those who had supported Parliament during the civil war were in favour of the execution of the King or a programme of radical reform and most of the political nation in Worcestershire would have welcomed a peaceful return of the King at any time during the Interregnum. They were not, however, prepared to engage in a further war to bring him back and many feared that a King restored by force of arms would introduce policies as unpalatable as those of the Commonwealth. Worcestershire favoured a return to constitutional monarchy, not the Continental absolutism of a King dominated by triumphant soldiers and courtiers.

Neither sectarian enthusiast nor high-flying cavalier succeeded in moving country opinion from its moderate constitutionalism. It was not only the views of the less articulate members of the political nation which remained unchanged throughout the civil war and Interregnum. Most of the men who had supported Parliament in the first civil war continued to serve the Commonwealth and Protectorate, most of the Royalists remained aloof and a substantial minority engaged in active plotting against the Republic. Given the intransigence of the Royalist majority, the steadfast adherence to the central government of most Worcestershire Parliamentarians was inevitable. They were committed men and they could see any armed Restoration as leading only to cavalier domination. For most of the Worcestershire Parliamentarians the execution of the King and many of

the political changes of the Interregnum were distasteful; Stuart absolutism was anathema.

Though effective control of the county remained in Royalist hands until 1645, Parliament established a county committee for sequestrations in February 1642/3,¹ a second committee with a slightly revised membership in the following month,² committees for the levying of money in May and August. Membership was virtually identical, small, and confined to the minority of county J.P.s who supported the cause of Parliament. In September 1644 Parliament appointed a much larger committee to raise armed forces in Worcestershire which included magnates from neighbouring shires, lesser gentry, professional men, officers without Worcestershire connections and merchants from the corporate towns as well as the core of large land-owners and pre-war J.P.s.³ The general assessment committee appointed in October included almost all the same men.⁴ The search for support in the county led to the elevation of men from outside the magisterial class.

For the first three years of the civil war the Parliamentary county committee had very little power in Worcestershire. During 1643 it met as a government-in-exile at Warwick and passed ineffective resolutions forbidding obedience to the orders of the Royalist committee of safety or the payment of Royalist taxes.⁵ The first Worcestershire committee to possess real power was the militia committee of 1644. The *Ordinance for raising and maintaining of Horse and Foot, for reducing and continuing the County and City of Worcester into, and under the obedience and Service of the King and Parliament* passed on 23 September 1644 authorised the militia committee to raise funds by subscription and sequestration, to administer the national covenant, to eject scandalous or malignant ministers and schoolmasters, to raise forces not exceeding 4000 men and appoint their officers.⁶ This last power was one which the Royalist commissioners would have welcomed. As the committee still lacked the capacity to collect funds in Royalist dominated Worcestershire, Parliament advanced £500 on the credit of the excise which was to be repaid by the gentlemen of the county.⁷

1 Firth and Rait, i, p.95.

2 *Ibid.*, p.117.

3 *Ibid.*, pp.151,236,507.

4 *Ibid.*, p.542; T.T. E.9(12).

5 Townshend,ii, p.229.

6 Firth and Rait, i, pp.507-11.

7 *C.J.*,iv, pp.124,127; S.P.23/248/55; Further sums were advanced in 1646, *C.J.*, iv, p.600.

The militia committee began commissioning officers and raising soldiers very soon after it was authorised to do so. A regiment of horse under Colonel William Ligon and a regiment of foot commanded by Colonel Edward Rous were raised in October 1644¹ and other troops were committed to garrisons once Parliament was able to establish a military presence in Worcestershire.

On 26 May 1645 Evesham fell to Parliament. Colonel Rous was appointed governor and the town became the meeting place of the Worcestershire county committee until the fall of Worcester over a year later. Though Parliament had not established undisputed control over a large area of Worcestershire, Parliamentary forces were able to gather contributions from the south of the county, often collecting from unfortunates taxed by both sides. Substantial quantities of arms were placed under the control of the militia committee,² and it was responsible for sending troops to assist in operations both inside and outside the county. By the time Worcester fell in July 1646 the county committee had established effective control over most of the county and was raising funds by means of a weekly assessment, charged at much the same rates as those imposed by the Royalists and the system of sequestration was well established. The Worcestershire county committee had not imposed its authority on the entire county. Even after it returned from its exile at Warwick it maintained control over only a small part of the county until Parliament's field armies besieged Worcester in 1646, and while the siege was in progress the authority of the committee was necessarily subordinate to that of the senior military officers. It was not until the fall of Worcester that the county committee became an organisation of overwhelming importance to the county.

In July 1646 the field armies withdrew, all but 100 horse of the county forces were disbanded³ and the county committee was left as the only effective organ of government. The Royalist J.P.s had lost their authority and it took time to find men to replace them, especially in a Royalist county. Torn by war, plundered by both sides, with its economy devastated, and law and order disrupted, the county needed firm government. The county committee filled the power vacuum.

Compared with the committees of other counties that of Worcestershire was small. Of the thirty-one members only one, Sir Walter Devereux,

1 S.P.28/138/8, 9, 11; S.P.28/188. Notes of commissions granted by the Worcestershire county committee.

2 C.J., iv, p.157; S.P.28/138/17. Commissioner General Tilt's accounts.

3 C.J., iv, p.627.

was a Worcestershire landed magnate and he was a comparative newcomer to the shire.¹ Two, John Wilde and Humphrey Salway, were knights of the shire and substantial landowners but they owed their wealth and social position as much to their success in the legal profession as to their estates.² Nicholas Lechmere, Edward Rous and Samuel Knightley were members of established and moderately wealthy county families,³ Daniel Dobbins had purchased a modest estate in 1630,⁴ four of the five knights were magnates from other counties, and the other members of the committee were officers, minor gentlemen and professional men. Thus the county committee included a small core of gentlemen drawn from the pre-war magisterial class and a much larger group of outsiders and those below magisterial status. The enlargement of the county committee in 1644 resulted in a significant drop in the financial status of its members and a slight decline in the proportion of members with tertiary education. The average income of those members of the 1642 and 1643 committees for whom information is available was £382.14; in 1644 the average fell to £232.50. The proportion who had attended either a university or an Inn of Court fell from 57% to 43%.⁵

Of the 31 members, only a small number were active either during the civil war or in the years immediately after it. Most committee orders were signed by between four and six members and, although it is possible that not all committeemen present signed every document, only about a dozen signed any order and of these fewer still signed regularly. The county committee, then, consisted of a core, about a third of its membership, and a larger group who did not play an active part in county government. The core included Thomas and Edward Rous, William Ligon, and Nicholas Lechmere, representatives of the pre-war magisterial class, minor gentlemen and professional members. With the exception of William Collins, a tanner of Kings Norton,⁶ neither the outsiders nor the merchants played an important part in the work of the county committee. No one person dominated the Worcestershire committee as Sir Anthony Weldon did in Kent and John Pyne in Somerset. Within the county power was shared by the handful of magisterial gentlemen who had supported Parliament in the civil war and the two lawyer knights of the shire who acted as a link between county and national government.

The first task of the post-war committee was to raise money, something which may have been made easier by the large number of Royalist estates

1 *V.C.H. Worcs.*, iv, p.108; Nash, *op.cit.*, ii, pp.73-4.

2 *D.N.B.* John Wilde and Richard Salway.

3 *Visitation of Worcestershire 1634*, *passim*; E.P. Shirley, *Hanley and the House of Lechmere*, 1883, *passim*; E.A.B. Barnard, "The Rouses of Rous Lench", *T.W.A.S.*, n.s., 9, 1933, pp.31-74.

4 *V.C.H. Worcs.*, iii, p.169; Nash, *op.cit.*, ii, p.37.

5 Appendix IV..

6 Townshend, *Diary*, i, p.197.

available for sequestration. Until the Royalist landowners compounded at Goldsmiths' Hall, all funds drawn from their sequestered estates were handled by the county committee. The estates seem to have been demised to the highest bidder, sometimes to the delinquent or a member of his family, occasionally to a member of the committee. It is probable that the bids reflected war time devastation rather than pre-war values. Goldsmiths' Hall assessed the annual value "in good times" of Sir Thomas Lyttleton's estate at £620¹⁵, but in 1647 it was demised to his wife for £200.¹ Letting an estate for a third of Goldsmiths' Hall valuation was uncommon, about half being more usual, and a few went for as much as two-thirds of their pre-war valuation. The rentals accepted for estates under sequestration probably reflect not only war damage but the willingness of committeemen to favour their friends and to make personal profits. In July 1645 the Sub-committee of Accounts charged the Worcestershire committee, which then controlled only a small part of the county, with letting sequestered lands at extreme undervaluations either to the owners or to the agents of the committeemen.²

Despite the probably justified charges of undervaluation, the county committee raised considerable sums from sequestrated estates, £28,219¹⁴^{8d} between 1647 and 1648.³ The monthly assessment was another heavy tax. In 1647 the county was taxed £749¹³^{0¹2d} a month, compared with an annual ship-money rate of £4000 in 1635 and a monthly assessment of £3000 when the county was controlled by the Royalists.⁴ Though this was considerably less than the taxation raised during the civil war, it was exceptionally heavy by peacetime standards. The number of people forced to contribute to the tax was particularly high. In the parishes for which accounts survive, as many people were taxed in the late 1640s as paid the much less burdensome hearth tax after the Restoration. Though there were some arrears in the payment of the monthly assessment, these were generally small even during the war. Of £2128 imposed on thirteen parishes in southern Worcestershire in 1645 and 1646, only £305 was in arrears at the end of this period. Two parishes had paid in full and only one was as much as 30% in arrears.⁵ Evidence for the crucial years of 1647 and 1648 is very scanty, but the two hundreds of Pershore and Blackenhurst seem to have paid their assessments in full.⁶ Of the

1 Add.MS. 5508, ff.188, 197.

2 S.P.23/244/72; S.P.28/247.

3 Add.MS. 5508, ff.182-195.

4 E.179/260/3; *Supra*, pp.226,258.

5 S.P.28/188. Accounts of Captain Eusby Dormer.

6 E.179/201/315. Henry Ford, Receiver General, acknowledged that the £5397 imposed on these hundreds in the 21 months before 25 March 1649/50 was only £7⁶^{3d} in arrears. S.P.28/188. 10% in 1647 and 8% in 1648 was uncollected.

£56,700 military taxation imposed on the county between April 1649 and September 1651, £55,755 was passed to the state, the deficit being due entirely to the 4d in the pound allowed to collectors and receivers.¹ The Worcestershire county committee seems to have been more successful in collecting assessments than were the Royalists and, if Pershore and Blackenhurst were typical of the county as a whole, it was far more efficient in meeting its fiscal responsibilities than were its counterparts in other counties.

Unfortunately, little is known about the tax most resented by the general populace, the excise. No account books have been discovered, but other evidence suggests that the commissioners of excise were inefficient and perhaps brutal in their methods.²

Despite the large sums handled by the county committee, it was in perpetual financial difficulties which resulted from the debts it had incurred in raising forces which it could not support from territory under its control during the civil war. In 1649 the county committee protested against having to return the rents of sequestered delinquents to Goldsmiths' Hall on the grounds that they had been unable to repay these debts and the salaries of officers and soldiers were still in arrears.³

Despite the continuing importance of the county committee as the agent of both financial and general administration, efforts were made to return as far as possible to the pre-war system of local government. Royalists could not be admitted to any positions of power during the immediate post-war years, but it was felt that return to administration by J.P.s would make the new regime more acceptable to county opinion, even though the majority of the traditional ruling families would have to be excluded. The first post-war commission of the peace for Worcestershire was issued on 4 December 1646. No list of members is known to have survived, but if the names of those appointed between 1647 and 1649 are removed from the J.P. list of 1649/50, the remaining J.P.s are probably those appointed in the 1646 commission. If this is so they were, for the most part, members of the core of the county committee and members of pre-war magisterial families. In the average levels of income and educational experience they were little different from the pre-war bench. The nucleus of county magnates was gradually expanded by inclusion of minor gentry and merchants from the corporate towns. The financial and educational levels fell. However, the enlargement was largely symbolic for the active members were, on the whole, drawn from among the rump of Parliamentary magnates.⁴

1 S.P.28/188. Assessment accounts, April 1649-September 1651.

2 *Infra*, p.280.

3 S.P.23/248/55.

4 Appendix IV.

One problem facing Parliament in 1646 and 1647 was the need to elect new M.P.s in place of those who had been disqualified for Royalism. In Worcestershire three places were vacant in 1646. The first recorded election writ was issued on 4 November 1646 for Bewdley¹ but it may have been preceded by the writ for Droitwich. Though Bewdley was entitled to elect only one member, it returned two strong Parliamentarians. One was Daniel Dobbins, an officer and county committeeman, and the other was William Hopkins, a citizen of Bewdley approved by Baxter as the "most eminent and truly religious magistrate of Bewdley, at last member of the Long Parliament". This was the first time a citizen, rather than a landed magnate, had been elected to represent Bewdley. This election was, however, disallowed as the town was entitled to only a single member, and in November Bewdley reverted to representation by a neighbouring squire when it elected Nicholas Lechmere, member of a prominent family which had been temporarily eclipsed owing to financial difficulties. He was a barrister, future judge and member of the county committee.²

In December 1646 Droitwich elected Edward Wilde, son of Sir Edward Wilde of Kempsey. He may have been elected through the influence of his cousin, John Wilde, the future Chief Baron, but the Wildes had long provided members for Droitwich. The other member, Major-General Thomas Rainsborough, does not appear to have had any connection with Worcestershire prior to the siege of Worcester in 1646. Rainsborough's active support for the Independents and agitators was well known and he had quarrelled with Cromwell when the latter refused to accept the agitators' full demands. There is no evidence that the radicalism of Rainsborough had any support in Droitwich and one can only assume that Rainsborough was elected through the influence of the most radical of the Worcestershire M.P.s, John Wilde. This supposition is strengthened by the election of George Wilde to take Rainsborough's place after his murder in 1648.³

As one of the Evesham members, Richard Cresheld, was a Parliamentarian, there was only one vacancy to fill. In October 1645, shortly after Evesham fell to Parliament, Captain Samuel Gardiner, mayor of Evesham in 1625, 1633, 1642 and 1653, was elected. He was probably a political Presbyterian as he was secluded from Parliament in December 1648.

Despite John Cowcher's great age he continued as M.P. for Worcester

1 C.231/6, p.68.

2 P.H.W., pp.167, 123-6; E.P. Shirley, *Hanley and the House of Lechmere*, 1883, *passim*; D.N.B.

3 P.H.W., p.126.

until Cromwell expelled the Rump. John Nashe was secluded in December 1648. No elections took place in the city of Worcester between October 1640 and 1654.¹

Though county opinion turned against the Royalists in 1646, there was little love for the system of government established by Parliament. Heavy taxation and the presence of soldiers were unpopular regardless of the government in power. To the specific grievances resulting from burdens inevitable in the wake of war was added the resentment of many who had supported Parliament at the treatment of the King and the increasing radicalism of the Army and some Members of Parliament. Some of these people were prepared to join with intransigent Royalists and attempt to overthrow the government established by Parliament and the Army. Though some so-called Presbyterians who had supported Parliament in the first civil war became Royalists between 1646 and 1660, most Royalist activity in Worcestershire was the work of cavaliers. In a Royalist county those with ambivalent views had taken the easy way out and supported the side which had effective local control. Worcestershiremen who had actively espoused the cause of Parliament in the first civil war were a minority and they had been forced to abandon their estates and to act against the interests of their neighbours. Only men with a very strong commitment were prepared to cut themselves off from their estates and friendly relationships with other members of the county community. In this respect their position was analagous to that of the Kentish cavaliers at Oxford.² Only a tiny minority of these dedicated men were prepared to change sides after 1646 even though the execution of the King and the Rule of the Saints can have been welcomed by very few of them.

There is, nevertheless, some evidence of a Presbyterian plot in the county in 1648 but it was attributed to Presbyterian officers based at Gloucester who were said to have planned a Royalist rising at Broadway and to have attempted to subvert Colonel Turton, Governor of Hartlebury. Mass support for their rising was to be provided by 2000 capmen from Bewdley.³ The truth of these reports was later denied in Parliament but it is possible that some such scheme was afoot but had been discovered before it reached the stage of active planning.

Though there is no other evidence of Royalist plots in the early part of 1648, Parliament decided precautions were needed and in April the

1 Underdown, *Pride's Purge*, p.380; *P.H.W.*, p.96; Keeler, *op.cit.*, pp.73,284.
 2 Everitt, *op.cit.*, pp.117, 186-7, 285-6.
 3 Rushworth, vii, p.947.

county committee was authorised to raise a troop of horse and finance it by voluntary donations.¹ On 30 June the committee was given additional authority to raise such forces as it thought necessary for the defence of the county² and in September it was ordered to raise 100 horse and 100 foot to suppress dangerous designs and to finance these forces by an assessment of £100 a week to be levied in addition to the normal monthly assessment.³

The need for these precautions became apparent in July when a plot involving Colonel "Dud" Dudley and Mr Broughton, parson of Wolverly, and other cavaliers in Worcestershire, Shropshire, Staffordshire, and Herefordshire was revealed.⁴ Though this plot was directed against Hereford rather than Worcester, Parliament saw fit to order the re-garrisoning of Hartlebury Castle and the raising of additional forces in Worcestershire.⁵ It is obvious that Parliament saw the need to maintain tight control in the county.

Perhaps the most dangerous rising in 1648 was that led by Sir Henry Lingen who attacked the Parliamentary forces of Herefordshire and captured 80 prisoners, only to be himself taken prisoner by Colonel Harley, commander of the Herefordshire troop, a few days later. The declared objectives of Lingen and his associates reflected national discontent with certain aspects of Parliament's rule, with the failure to reach an agreement with the King, with the continued existence of the army, with high taxation and with tolerance for the sects. Though many Presbyterians would have agreed with the grievances expressed by Lingen, his support seems to have come entirely from cavaliers. Lingen complained that the King and his family had been mistreated,

religion wholly unioynted and in stead of a settled Peace, a Scismaticall army is propagated with . . . sixty thousand pound a moneth, besides Excise, Free-quarter, and innumerable other vast and insupportable pressures . . . and uncontrolled power of the committees.

He aimed at the restoration of the King, the "true Protestant Religion, known laws and a free parliament".⁶

Lingen and the Herefordshire Royalists had considerable support in Worcestershire and "Dud" Dudley held private meetings with Royalists in

- 1 *C.J.*, v, p.536.
- 2 Rushworth, vii, p.1171.
- 3 T.T.669 (f.13) 13; *C.J.*, v, pp.665.
- 4 T.T.E.452 (36).
- 5 Rushworth, vii, p.1185.
- 6 T.T.669 (f.13) 4, 22 August 1648.

Bromsgrove and Kidderminster and planned to assist Lingen to take Hereford. However support for the scheme was confined to Royalist intransigents and their activities were quickly snuffed out when Dudley was arrested and his arms cache seized. Royalists, like Edward Broade, who were storing arms for the rising were forced to conceal them until a more opportune moment.¹

The plots described above were all the work of desperate minorities. One rising may have been planned by Presbyterian officers but the others involved die-hard Royalist gentry. Discontent with the new regime was not confined to the gentry, however. Though Parliamentarianism had been stronger in the city of Worcester than in the county during the civil war, Parliament considered it necessary to prohibit the election of former Royalists to any office within the city of Worcester in 1647.² The main grievance of the city was the excise. In January 1647/8 a stoppage of the excise in Worcester led to the arrest of the sub-commissioner and his appeal to Parliament³ and a year later there was an excise riot at Worcester which was said to have involved 2000 persons and led to the expression of pro-Royalist sentiments.⁴ Though it is possible that the claims of cavalier influence and tacit support from the soldiers quartered in the city are true, it seems more likely that it was a spontaneous rising against a very unpopular tax. Excise riots occurred in other parts of the country and were to break out again in Worcester. In February 1649/50 the proceedings of the sub-commissioner of excise were said to have provoked a breach of the peace in Worcester in which several people were killed and to have produced great disaffection to Parliament. Rightly or wrongly Parliament blamed the excise officers, ordered their dismissal and prohibited their further employment.⁵ High taxation and incompetent administration were unpopular regardless of the government in power.

Despite small scale plots and widespread dissatisfaction with the new regime, Worcestershire was not involved in the second civil war. The Royalist leaders were unable to capitalise on popular opposition to Parliamentary rule. The reasons for this are two-fold. In the first place the second civil war was mainly the work of the Parliamentary moderates or Presbyterians who changed sides in 1648. In Worcestershire there were few such people and the most notable, Colonel Richard Graves, in whose

1 T.T.E.452 (36); *C.J.*, v, pp.631, 642; W.R.O. 110: 1653 (Miscellaneous).

2 *C.J.*, v, pp.292, 297.

3 *C.J.*, v, p.58.

4 T.T.E.825 (19).

5 S.P. 18/63/635; S.P.25/95/16.

custody the King remained until seized by Cornet Joyce, was a younger son who had become a national rather than a county figure.¹ Most of the cavaliers had not recovered from the psychological shock of losing the first civil war and were crushed by sequestration, delinquency fines, imprisonment or constant surveillance. Secondly, Parliament had reason to expect trouble in the heartland of Royalism and the activities of Lingen and Dudley had resulted in the strengthening of Parliamentary forces in the county. The defeated cavaliers did not have any substantial body of Presbyterians to help them overcome the vigilance and military preparedness of the county committee.

So strong was the support of the county committeemen and the J.P.s for Parliament that the composition of the committee and of the bench showed only slight changes, even at the execution of the King.

In June 1650 Charles II landed in Scotland. He was crowned King of Scots and many supporters looked forward to his early accession to the English throne. It is apparent that Parliament feared that Worcestershire would rise for him because it ordered that all fortifications in the county should be made untenable, even the city of Worcester itself.¹ In order to weaken the leadership of the expected rising prominent Royalists such as Lord Windsor and Colonel Samuel Sandys were arrested. Sandys was released on condition that he remained in Oxfordshire unless given written permission to leave by four justices of the peace and he was on no account to go to Worcestershire. Windsor was kept in London and required to give a bond of £4000 that he would appear before the Council of State when summoned. However some lesser Royalists were still in Worcester gaol when the Scots entered the city. Other prominent Royalists were permitted to leave the county only if they obtained special permission and provided security.² Once Parliament had taken measures to restrict the ability of known Royalists to assist the Scottish invasion, it endeavoured to test the loyalty of its own nominal supporters. In February 1650/1 five Worcestershire J.P.s were dropped from the commission of the peace. One of these, Thomas Graves, was a Presbyterian whose brother, Richard, had gone over to the King, and it is probable that the others had refused to take the engagement "to be true and faithful to the commonwealth".³ Positive measures of military preparation were taken and the horse and dragoons raised

1 Bates, *op.cit.*, pp.45-59; *T.S.P.*, i, p.94.

2 S.P. 25/96/133 and 188.

3 C.231/6, p.206; Bates, *op.cit.*, *passim*.

were placed under the command of the politically reliable and militarily competent Colonel John James.¹

When Charles reached Worcester on 22 September 1651 he received a mixed reception. The city was opened to him, though only after a heated debate in the Chamber, and he was welcomed by the mayor and corporation. His reception in the city reflected dissatisfaction with Parliamentary rule, attachment to the monarch, and local willingness to co-operate with any overwhelming military force in order to save the city from destruction. However, there is some evidence of enthusiasm for the Royalist cause in the knighting of the mayor and in the charge that Mr Young, treasurer to the county committee, had encouraged the opening of the city to the King.²

The county was divided. The militia committee had obviously done a good job in ensuring the political reliability of the armed forces for the county troops turned out against the King and withdrew to Gloucester when resistance was no longer possible. They returned to serve with Cromwell's army in the final battle. There does not appear to have been any mass support for Charles. He called out the *posse comitatus* in an attempt to obtain labour to strengthen the fortifications which had probably been made untenable in accordance with the Parliamentary order in June.³ The call for labour seems to have produced lukewarm support, possibly, as a contemporary newspaper reported, because of the countryman's xenophobic reaction to the incomprehensible dialect of the Scottish highlanders and resentment at the large number of foreigners in the King's army. One of the legends about the King's escape reports the disguised monarch agreeing with a blacksmith that the rogue Charles Stuart "deserved to be hanged more than all the rest for bringing in the Scots".⁴ It is possible that national antipathies played some part in alienating potential Royalists, but this was not a unanimous opinion. Richard Baxter believed that the strict discipline of the Scots attracted support for the King's cause.⁵

When Charles released the Royalist political prisoners from Worcester gaol he provided himself with some potential fighting men. However these were mostly minor figures and the turnout of Worcestershire magnates was small. Those members of the greater gentry who gave support were unable to provide large numbers of armed men. Francis, Lord Talbot, the Earl of Shrewsbury's eldest son, had proposed raising a regiment at his own cost but he was able to provide only 60 horse.⁶ Other Royalists who joined

1 S.P.25/96/90. Order of Council of State, 31 March 1651.

2 T.T.E.641 (2), p.266.

3 C.J., v, p.550; T.T. E.641 (2), p.266.

4 Underdown, *Somerset*, p.169.

5 *Reliquiae Baxterianae*, p.68.

6 T.T. E.641 (2), p.267.

the King were Thomas Hornyold and John Washbourne, each of whom brought forty men, Sir John Pakington, Sir Ralph Clare and Sir John Winford. All of them had been active members of the Royalist committee of safety. There is still no evidence of Presbyterian involvement. The arrest of Lord Windsor had cost him the opportunity of aiding the King.¹ Other gentlemen who had been active as Royalists in the first civil war refused assistance and the response to the calling out of the *posse comitatus* was derisory. The lengths to which Sir Roland Berkeley of Cotheridge went to avoid being conscripted into the King's service are well known and there must have been many others who were conveniently absent when the Royal summons was sent.²

On 3 September the King's forces were decisively beaten. It was clear that the combination of Scots, cavaliers and English Presbyterians was not yet able to challenge the rule of the Independents.³ The Worcestershire Royalists who had joined the King were re-sequestered but none was executed. At first Parliament intended to take legal proceedings against them in Coventry or Warwick⁴ but in the end no such trials took place. An attempt to prosecute Thomas Hornyold at Worcester Assizes in July 1653 for being in arms at the battle of Worcester, two years' earlier, was stopped by the Council of State who seemed prepared to regard him as a prisoner of war released on security rather than as a traitor.⁵ It is not known exactly when it was decided to drop charges against the English supporters of the King. On 28 October the Council of State tried to hasten the preparation of charges against them⁶ but in January 1651/2 it seems to have been decided against pressing capital charges as the mayor and sheriff of Worcester were released on bail.⁷ By this time, too, the Committee for Compounding and Committee for Advance of Money had decided to release the goods of Worcestershire clothiers seized in September. The excuses and denials of people who had been accused of helping the King were readily accepted.⁸

1 *Supra*, p.281.

2 H.M.C., 10th Report, App.vi, pp.175-6; S.R. Gardiner, *History of the Commonwealth and Protectorate*, 2nd ed., 1903, ii, pp.40-1; T.T. E. 641 (11), pp.273-4; T.T. E.641 (12), pp.1051-5; D. Underdown, *Royalist Conspiracy in England, 1649-1660*, New Haven, 1960, p.51; Bund, p.227.

3 For accounts of battle see Bund, pp.228-261; H. Cary, *Memorials of the Civil War*, 1842, ii, pp.335-381.

4 S.P. 25/89/65; S.P. 25/22/43.

5 S.P. 25/70/73.

6 S.P. 25/96/547.

7 S.P. 18/23/10.

8 C.C.C., pp.481-501; C.A.M. pp.108-10.

The reasons for lenience were two-fold. On the one hand it was proving difficult to obtain evidence against Royalists and, on the other hand, a policy of clemency seemed politically expedient. It had been possible to obtain only one deposition against many of those charged with Royalism in 1651 and the under-sheriff and deputy under-sheriff of Worcestershire, both cavaliers, had been able to thwart proceedings by packing juries. It was alleged that jury packing was discouraging witnesses from coming forward.¹

The difficulties could probably have been overcome had the Council of State wished to make an example of Royalists, but after the "crowning mercy" of Worcester it felt that the power of the Republic was secure. Reconciliation rather than revenge was the keynote of government policy in 1652. Samuel Sandys was allowed to return to Worcestershire, the prisoners of war were released on bond with the potentially capital charges against them unheard.² It was hoped that these men, who were not protected by the Act of Indemnity, would be restrained by the possibility of proceedings being revived and that the process of reconciliation would be aided by the failure to make martyrs.

After the battle of Worcester the Royalist cause was at its nadir and the time seemed opportune to establish settled civil government and to effect major reforms in society. As a precaution against further Royalist risings, strong military forces were retained and fortifications in potentially hostile territory, such as those at the city of Worcester, were slighted.³ In 1650 power over sequestration had been centralised by making the county committees for sequestrations into sub-committees of Goldsmiths' Hall.⁴ In some counties this was seen as a major assault on the independence of the county committee but it does not seem to have been viewed in this way in Worcestershire. The committee had been dependent on London for funds during the civil war and, in a county with strong Royalist sympathies, it could operate only with substantial backing from the central government. Unlike Kent and Somerset, where the committees were dominated by single men whose aspirations were purely local, Worcestershire was governed by a core of members, some of whom were prominent in national as well as county affairs. In the absence of a leader with overwhelming force of personality, Worcestershire Parliamentarians were not in a position to follow an independent policy. They could survive only as agents of the central government.

1 Bodl. MS. Rawl. C. 182, f.123, Hugh Glover to the Committee for Indemnity, August 1652.

2 S.P. 18/16/6, 2 October 1651; S.P. 18/16/9, 17 December 1651.

3 S.P. 25/96/55; S.P. 25/96/526; S.P. 18/16/12.

4 Underdown, *Pride's Purge*, pp.301-2.

After 1650 there was an increasing tendency to rely on the pre-war organs of local government rather than the county committee. The assizes met twice a year and the Interregnum judges seem to have acted in much the same way as their predecessors.¹ Quarter sessions, too, met in the pre-war fashion and performed the same duties. Though the Interregnum bench was slightly larger than that of the 1630s, the number of active members was smaller. The largest number of J.P.s attending quarter sessions in any Interregnum year was 18, the lowest 10, the average 12.25.² Only a minority of J.P.s signed out of sessions' documents and of these the most active were Gervase Bucke, Talbot Badger, Henry Bromley of Upton, Thomas Milward, Edward Vernon, Richard Vernon, William Jeffreys, Sir Thomas Rous and William Ligon. Interestingly, it was the newcomers Badger and Milward who joined Bucke as the most frequent signatories of documents. For Gervase Bucke conscientious magistracy was a family tradition; Sir John Bucke, his father, was one of the most active pre-war J.P.s.³ Persons of low status were seldom functional J.P.s even on the rare occasions they were appointed to the bench. The commission of the peace was more socially exclusive than the county committee, a body in which political opinions were more important and social status a lesser consideration than in deciding appointments to the commission of the peace.

The functions of the J.P.s changed little. Analysis of recognisances reveals that the largest category involved binding to keep the peace, or to appear at sessions and answer some trivial and unnamed charge. Indictments show the same assortment of petty thefts, assaults, drunkenness, game offences, failure to repair the highways and breaches of the poor law which occupied the attention of the justices in the years before the civil war. There is some evidence of increased harshness towards offenders against the moral code and a rise in the ever-present willingness of prying busybodies to report suspicions of immorality. One woman was charged with lying in a ditch with a man who was not her husband even though the informant could not say whether they had done more.⁴ Before the civil war charges of fornication, as distinct from producing illegitimate children, were rare, but they became much more common in the 1650s. Punishment of the parents of illegitimate children became harsher and mothers were sometimes sentenced to as many months in prison as they would have served days in the 1630s. In 1653 a woman was not only sentenced to three months' imprisonment under the act

1 Townshend, "Notes", *passim*; Bodl. Top. Oxon. MS. f.47.

2 Calculated from E.368/493, 494, 495, 496, 498, 499, 500, 501, 502.

3 W.R.O. 110: 1, Quarter sessions papers.

4 W.R.O. 110: 1, Miscellaneous sessions papers, 1653.

against incest, adultery and fornication but forced to give a bond to be of good behaviour for one whole year before she was released¹ and in 1655 three of the four women in the house of correction had been sentenced for having a bastard child.² Indictments concerning the misuse of alcohol showed less change. Despite the pious motives claimed by those who condemned excessive drinking, the real issue for most was the fear of famine. During the Interregnum swearing became a matter for quarter sessions but swearers had not been immune from punishment before the war. They had been subject to a penalty of one shilling imposed by the constable since the reign of James I and these fines had been actively collected during the 1630s.³ However the Interregnum government regarded oaths as too serious a matter to be left to petty constables and punished swearers at quarter sessions.

Unfortunately the miscellaneous documents which have survived among the Worcestershire quarter sessions' papers do not compensate for the loss of the order books and it is impossible to analyse poor law orders on the lines adopted by A.L. Beir in Warwickshire.⁴ Such evidence as is available in the quarter sessions' papers and Townshend's "Notes" suggests that there was little change in the administration of poor relief. The one exception to this generalisation is the provision of maimed soldiers' pensions, the need for which showed a substantial increase in the wake of civil war. Unfortunately the documents relating to pensions do not state the nature of the service performed and do not reveal whether those who had been soldiers in the Royalist armies were able to claim relief.

Poor relief at the parish level was subject to increased strain owing to economic disruption which inevitably followed the war. The basic structure of parish relief remained unchanged but the increased need made it essential to raise larger sums of money and encouraged the trend towards more systematic administration. In Broadway, for example, the accounts of the overseers of the poor were separated from those of the churchwardens in 1648. In the Interregnum poor rates were imposed in most years, though they had been rare before the civil war. The financial needs of the poor in Broadway increased during the 1650s. In 1648 two levies raised £9 and provided all but 16/- of the funds disbursed in poor relief. In 1657 it was necessary to impose four levies yielding £18. The pattern of expenditure was little changed. Funds were disbursed on weekly relief and gifts of clothes and shoes to the poor rather than on projects of social rehabilitation.⁵ South

1 W.R.O. 110: 1, Michaelmas Recognisances, 1653.

2 W.R.O. 110: 1, Midsummer (6) Miscellaneous, 1655.

3 *Supra*, p.109.

4 *Loc.cit.*

5 W.R.O. b851.4: 6869/4, unfoliated.

Littleton, which already imposed regular poor rates in the 1630s, made no change in its administrative methods, even though the amount spent on the poor more than doubled between 1638 and 1659.¹ The urban parishes of St Michaels, St Nicholas and St Andrew continued to provide regular relief to the old, widows and orphans as well as occasional aid to the sick or unemployed. Funds were raised by rates and supplemented by gifts and bequests. The machinery of poor relief seems to have changed little during the Interregnum.²

It is probable that there were more changes in the rural areas than in the city. Cities had long had to cope with endemic poverty, but it is possible that it was in the Interregnum that many rural parishes first experienced poverty on a scale sufficient to cause administrative difficulties. Certainly, the spate of assize orders regulating the rating procedures of rural parishes made in the 1650s suggests that in the past poor rates had been both too light to constitute a serious burden and too infrequent to provide an unquestioned precedent for any one method of assessment.³

Parish accounts reveal no change in attitudes towards the poor. Occasionally one sees acts of humanitarianism such as the grant of funds to a company of paupers displaced by the civil war.⁴ In general, though, parishes did their best to provide for their own poor but strove to avoid adding to their number. The accounts of South Littleton show that in 1657 a sum was paid "ffor removing poore people that did indeavor to thrust themselves upon the parish".⁵ There is no reason to believe that the attitudes of the yeomen and parochial gentry, who were responsible for the administration of most poor relief, had undergone any significant change. Additional expenditure and the introduction of regular rating in an increasing number of parishes were pragmatic responses to the increase in poverty which resulted from civil war and the depression of the 1650s.

In December 1653 the formation of the Protectorate alienated many of the radicals but it seems to have been welcomed by moderates in Worcestershire. Presumably in an attempt to strengthen support for the Commonwealth, nine new J.P.s were appointed in September 1653 and "divers omitted".⁶ Of the new appointees, one was Humphrey Salway's Radical son, Richard, a man more prominent in London and in national affairs than in Worcestershire, and the rest were minor figures. None had a higher education. The only men

1 W.R.O. b851.4: 6869/4.

2 W.R.O. b857.06: 2335/16 (4) (St Michaels); b857.06: 2335 3 (iv), St Andrews); 857.4: 3696 (St Nicholas).

3 Townshend, "Notes", pp.108, 116; *Supra*, p.75.

4 W.R.O. 855.2: 3900 (Bransford).

5 W.R.O. 851.91: 1284.

6 C.231/6, p.268.

whose incomes are known possessed £150 and £100 *per annum* respectively.¹ The men appointed in 1653 are the main exceptions to the general rule that persons of low status were not appointed to the bench during the Interregnum.

In December 1654 the conservative drift was sufficient to make possible the return to the bench of Sir Henry Lyttleton, Henry Bromley of Holt and Richard Vernon, all of whom had served the King in the civil war. Vernon had been a very unenthusiastic Royalist, a man with few affinities with the intransigence of most Royalist committeemen. Lyttleton and Bromley had not played a prominent role in the civil war, but the return to the bench of members of Royalist families was an important step towards rule by the traditional magisterial class. Other men who were restored to the commission were the Presbyterians Richard Graves and Anthony Sambach, who had been omitted during the Commonwealth.² In 1655 the average income of those J.P.s for whom financial information is available rose to £478, almost twice as much as in May 1652. There was a similar, though less dramatic, rise in average educational attainment.³ It is obvious that the Protectorate wished to strengthen its position in the counties by re-admitting Presbyterians and moderate Royalist to offices of power. Ardent republicans had been alienated by the formation of the Protectorate, but Cromwell was more likely to establish a lasting settlement with the aid of moderate landowners than on the basis of radical politics backed by a tiny minority of the traditional ruling class, or, indeed, of the country as a whole.

In 1653 Cromwell replaced the Rump with the nominated assembly known to posterity as Barebone's Parliament. The members for Worcestershire were Major Richard Salway, fourth son of Humphrey Salway, the Long Parliament member, and Colonel John James, member of a minor landed family with estates in Worcestershire and Herefordshire, had commanded the force of horse and dragoons raised under the Militia Act of 1651 and he had served as high sheriff of Herefordshire in 1650.⁴ No members were appointed for the city of Worcester or any of the corporate towns. It is obvious that the Worcestershire members of the 1653 Parliament were appointed on the basis of their religious and political views. Both served the State throughout the Interregnum and suffered imprisonment or restrictions on their movements after the Restoration. Neither was the nonentity popular legend would lead us to expect in Barebone's Parliament. Salway was member of a prominent legal family which had provided Worcestershire with magistrates and M.P.s since

1 E.179/201/299, f.3^v (Arthur Bagshaw); /277, f.3. (Humphrey Greswold).

2 C.231/6, 301.

3 Appendix IV.

4 D.N.B. Richard Salway; *P.H.W.*, pp.43-6.

the reign of Elizabeth. Though not of magisterial rank in Worcestershire, the James family was armigerous and had been settled in the county since the mid-sixteenth century.¹ The career of John James shows that he was a man of exceptional ability.

Worcestershire members in the two Protectorate Parliaments of 1654 and 1656 were men who had been prominent in the civil war. In each of these elections the county was represented by five members. As three men represented the county in both Parliaments, a total of seven members was elected. All but one were members of families established as members of the Worcestershire gentry before the civil war. Nicholas Lechmere was the head of a family which had been prominent in the sixteenth century but had only just risen from a crushing burden of debt. He was a Baron of the Exchequer from 1689 until 1700.² Colonel John Bridges was a landed gentleman with estates in Worcestershire and Warwickshire who had bought Hurcott, near Kidderminster, in 1648. Richard Baxter wrote in glowing terms of the way in which Bridges used his influence in the interests of religion.³ Talbot Badger was a member of a minor land owning family seated at Pool House, in Hanley Castle. A long history of recusancy had been a barrier to the Badger family's participation in public life.⁴ Sir Thomas Rous, of Rous Lench, was the only baronet among the Worcestershire members. His family claimed one of the longest descents in the county. His father, Sir John Rous, had been knight of the shire in 1626. Sir Thomas Rous was a religious man and a friend of Richard Baxter. He was probably both a political and a religious Presbyterian.⁵ Edward Pytts of Kyre had served Parliament during the civil war but showed so little enthusiasm for the war that he was suspected of Royalism and questioned before the Committee for Sequestrations. He is believed to have been a strong opponent of Cromwell. The Pytts family had moved to Worcestershire from Shropshire in the mid-sixteenth century and was moderately wealthy.⁶ John Nanfan of Birtsmorton was head of a family which had been settled in the county since the reign of Henry VII. He was probably a Presbyterian and crypto-Royalist as Cromwell would not let him take his seat.⁷ The seventh member, Major-General James Berry, chose Worcestershire from the three constituencies which elected him.⁸

1 *Visitation of Worcestershire 1634*, p.52; *P.H.W.*, pp.44-6.

2 Shirley, *op.cit.*, *passim*; *P.H.W.*, pp.47-8; *D.N.B.*

3 *Ibid.*, pp.48-9; *V.C.H. Worcs.*, iii, p.172; *Reliquiae Baxterianae*, p.88

4 *P.H.W.*, p.249; *V.C.H., Worcs.*, iv, p.90; *C.S.P.D., 1603-10*, p.593; *W.Q.S.P.*, pp.ccxv, 698.

5 *P.H.W.*, pp.46-7; *Supra*, pp.37, 274.

6 *P.H.W.*, p.47; Sir James Pytts had an annual income of £750 in 1629. *E.179/201/297, f.1^v*.

7 *Visitation of Worcestershire 1634*, p.73; Townshend, *Diary*, i, p.33.

8 *P.H.W.*, pp.49-50; *D.N.B.* Berry.

The city of Worcester was granted the right to elect two members to each of the Protectorate Parliaments. In 1654 the city elected Captain William Collins and Edward Elvines. Collins had been a Parliamentarian officer and county committeeman for most of the civil war. Despite Townshend's description of him as a tanner, he was obviously a merchant of considerable wealth and status. He was one of the most active members of the county committee and he remained loyal to the Parliamentarian cause until the Restoration. He was Governor of Worcester at the time of Booth's rising.¹ Edward Elvines was a prosperous merchant and leading citizen of Worcester. He was an alderman who twice served as mayor. He was one of the most committed Parliamentarians in the city and he had been forced to leave it while it was under the power of the King.² He, too, was an active member of the Parliamentarian committees appointed for the city of Worcester. In 1655 Collins was joined by Edmund Giles of White Ladies Aston, member of a minor land-owning family. His father had been fined £10 for failing to take knighthood at the coronation of Charles but had disclaimed at the visitation of 1634. From 1655 till 1660 Edmund Giles, junior, was a master in chancery. Both he and his father were members of the county committee.³

The elections to the Protectorate Parliaments confirm the impression that the same core of Parliamentarians had retained power in their hands. It is notable that it was those of higher social status who were elected for the county, those who could make no claim to a coat of arms for the city.

Though a minority of the former Royalists were prepared to accept the Protectorate, most were not and a small number were still actively engaged in plots to restore the Stuarts by force. Among these was Henry Lyttleton, high sheriff in 1654, and one of the few Royalists who had been restored to the bench. His willingness to serve the Protectorate may have reflected a desire to reduce suspicion that he was implicated in Royalist plots or could have resulted from coercion, but regardless of his motive for accepting office, Lyttleton became deeply involved in the Midlands' plotting which accompanied Penruddock's rising. He and Sir John Pakington were supplied with arms purchased by the returned Virginian exile, Major Henry Norwood, who had told the gunsmiths that the arms were for Virginia. He forwarded them to the conspirators in crates labelled as bottles of wine.⁴ Though Norwood, Pakington and Lyttleton were arrested in January 1654/5,⁵

1 *P.H.W.*, pp.96-7; *Supra*, p.274.

2 *P.H.W.*, p.97; *C.S.P.D.*, 1653-54, p.141. Elvines had been obliged to flee three times in all; E.179/201/309. His income was about £150 in 1641.

3 *P.H.W.*, p.97; E.407/35, p.196.

4 Underdown, *Royalist Conspiracy*, p.130; *T.S.P.*, iii, pp.65-108, 129-30.

5 Underdown, *op.cit.*, p.143.

other Worcestershire gentlemen continued their activities under the leadership of Lord Windsor and Samuel Sandys, but in the face of government vigilance they were unable to act.¹ Except in Wiltshire, where Penruddock was able to lead a revolt, Royalist preparations were ineffective.

After Penruddock's rising Cromwell despaired of his policy of reconciling Royalists and determined on a course of renewed centralisation. Puritan reforms were to be enforced by eleven administrative major-generals, each responsible for a group of counties. Worcestershire, together with Herefordshire, Shropshire and all of Wales, was placed under the command of James Berry. This territory would have been the same as that formerly under the jurisdiction of the Council of Wales had Gloucestershire been included. The major-generals were to command a new militia raised to protect the regime against Royalist plots and financed by a decimation tax on the estates of all Royalists.²

Fortunately for Worcestershire, Berry was a man of greater moderation than were many of his colleagues. Several Royalists were released from restrictions on their liberty only after the appointment of Berry.³ He was, however, active in suppressing any activities which could have led to Royalist plots and in enforcing the Puritan moral code. As in other areas, the decimation tax did not produce enough money to pay for the new militia and Parliament had to order the size of each troop of horse reduced from 100 to 80. The tax could be imposed only on estates valued at over £100 *per annum* and it appears that many delinquents managed to convince the committee that their estates were much smaller than they were. Berry protested that the reduction of his troop of horse would be unnecessary if he was allowed to decimate estates valued at between £50 and £100. Despite the reduction in the size of the troops, in 1656 Berry was owed £1,337¹⁷/_{5d} for money he had advanced to finance the militia.⁴

While there can be no doubt that the rule of the major-generals was as unpopular in Worcestershire as it was in the rest of the country, there does not appear to have been any widespread opposition. Late in 1656 three of the J.P.s appointed in September 1653 were dismissed but they were minor figures and there is nothing to connect their fall with the rule of the major-generals.⁵ National resentment at the major-generals was so

1 Underdown, *Royalist Conspiracy*, p.143.

2 S.R. Gardiner, *History of the Commonwealth and Protectorate*, iii, 1903, pp.315-327.

3 Townshend, *Diary*, i, p.29.

4 J. Berry, and S.G. Lee, *A Cromwellian Major General*, Oxford, 1938, pp.173-4; *T.S.P.*, iv, p.293; Everitt, *op.cit.*, p.293, for Kent and East Anglia

5 C.231/6, p.343; *Reliquiae Baxterianae*, pp.97-8, for attitudes to Berry.

strong that it limited their effectiveness and Cromwell came to see them as an obstacle to the reconciliation he still desired. In January 1656/7 their authority lapsed when Parliament failed to renew the Militia Bill.¹

The victors in the civil war had divided among themselves into a moderate reformist party and a variety of radical groups who wished to effect revolutionary change in politics and society. In religion, too, the civil war gave birth to tremendous diversity. There can be little doubt that the majority of the gentry in Worcestershire were Anglican, though not Laudians, before the civil war and it is probable that many of the Presbyterians would have accepted moderate episcopacy. It is very likely that the same was true of the clergy.

Only 27 Anglican ministers were ejected during the Interregnum and in several cases the cause seems to have been incompetence or scandalous life rather than refusal to conform.² There can be little doubt that many Anglican clergymen in Worcestershire were men of moderate views, people to whom the comprehensive Protestantism of Richard Baxter had more appeal than strict adherence to any precise denominational label. Baxter has often been called a Presbyterian but he favoured a system which could embrace modified episcopacy as well as allowing considerable freedom to individual congregations. Baxter's plan to associate the churches of Worcestershire obtained the support of 42 clergymen and was openly opposed by only a handful of doctrinaire Presbyterians and Independents.³ Like its counterparts in other counties, Baxter's association was in part a response to the threat of the sects. Faced with Seekers, Ranters, Antinomians, Fifth Monarchy Men and Quakers, many ministers were prepared to compromise on minor issues in order to re-establish some sort of unity against the religious radicals. It is significant, though, that in Worcestershire there is no record of a *classis* being formed and there does not appear to have been any doctrinaire Presbyterianism among the laity.⁴ It is true, of course, that Worcestershire was under Royalist domination at the time when many other counties established Scottish style presbyteries, but though the majority of Parliamentary gentry in Worcestershire appear to have been political Presbyterians, and religious Presbyterians in the loosest sense of the term, few were uncompromising adherents of the Scottish system. Several leading Parliamentary gentry were friends of Richard Baxter who shared his willingness to compromise on the issue of church government.

1 C.H. Firth, *The Last Years of the Protectorate*, 1909, i, p.125.

2 A.G. Mathews, *Walker Revised*, Oxford, 1948, pp.383-7.

3 *Reliquiae Baxterianae*, pp.146-75; T.T. E. 216 (3).

4 W.A. Shaw, *A History of the English Church, 1640-1660*, 1900, ii, could find no record of a *classis* being established in Worcestershire.

In Worcestershire "respectable" religious radicalism was represented by a small number of Baptists, the most important of whom was John Tombs. He engaged in a public debate with Baxter over infant Baptism and was said by Anthony Wood to have proved the better Dialectician. Despite his Baptist views, Tombs was not representative of the more extreme Puritans. He was an Oxford educated clergyman and his own distaste for the extravagance of some sectaries induced him to conform at the Restoration.¹

The main challenge to orthodox Puritanism in Worcestershire came from the Quakers. This group condemned the Association of Ministers as a return to priesthood and religious bondage, interrupted services in "steeple-houses" and were subject to such severe persecution in Evesham that the Major-General and the Protector intervened on their behalf.²

Puritanism in Worcestershire was not common outside the towns, where, as in other counties, it was prevalent among the "middling sort".³ It is doubtful if it gained any mass support during the Interregnum. Baxter bewailed the fact that Anglican magnates refused to accept Puritan reforms in religious observance. Many ordinary people followed their lead. Though Sir Ralph Clare led a life as temperate as that of most Puritans and was a man who

seldom would Swear any lowder than /By his Troth, &c./ and shewed me much Personal Reverence and Respect . . . yet (having no relish of this Preciseness and Extemporary Praying, and making so much ado for Heaven; nor liking that which went beyond the pace of *Saying the Common Prayer* . . .) his coming but once a day to Church on the Lord's days, and his Abstaining from the Sacrament, &c. as if we kept not sufficiently to the old way, and because we used not the *Common Prayer Book*, when it would have caused us to be sequestered) did cause a great part of the Parish to follow him and do as he did; when else our Success and Concord would have been much more happy than it was. And yet Civility and yielding much beyond others of his Party, (sending his Family to be Catechized and personally Instructed) did sway with the worst almost among us to do the like. 4

Though there is no record of it, it is probable that the Anglican gentry were able to hear Common Prayer services in their own homes and perhaps in the churches of the remoter parishes.

After the Restoration 35 ministers were ejected, of whom 7 afterwards conformed.⁵ The Puritan intransigents among the clergy were no more numerous than the Anglicans ejected during the Interregnum. Among the laity sectarianism had little influence for only a small number of dissenting

1 Wood, *op.cit.*, cols.1062-7; *Reliquiae Baxterianae*, pp.96-7.

2 T.T. 669.f.20 (14); Berry and Lee, *op.cit.*, pp.167-171.

3 *Reliquiae Baxterianae*, pp.30, 89.

4 *Ibid.*, p.94.

5 A.G. Mathews, *Calamy Revised*, Oxford, 1934, p.xiii.

chapels were founded in the years immediately after the Restoration and these were, of course, in Worcester and the corporate towns.¹ In 1660 the Puritan gentry had been sufficiently frightened by the religious radicalism of the Interregnum to accept the restoration of Anglicanism along with the King. To most Presbyterian gentlemen in 1660, episcopacy was less dangerous than the sects.

The removal of the Major-Generals made it possible to reintegrate a further group of conservative magnates into county government but this process did not go as far in Worcestershire as it did in some other counties. Though only two members of major Royalist families had been restored to their place on the bench or appointed to the county committee, the drift towards the restoration of the traditional ruling class is apparent from the increase in the average income of both county committeemen and J.P.s. The county committeemen of 1654 had an average income of £318. Those of 1657 averaged nearly £442. In 1655 the J.P.s had an average annual income of £479 and in 1657 the average had risen to £505.² However, the majority of cavaliers remained aloof and the machinery of county government was still dominated by the core of Parliamentary magnates and professional men assisted by a number of minor gentlemen and urban merchants. The return to power of a small number of Royalists and moderates who had been excluded during the Commonwealth was, nevertheless, an important step towards the reunification of the traditional ruling class which was to make possible a peaceful Restoration.

Even after the death of Oliver Cromwell in 1658 most Worcestershire Royalists remained unreconciled. In July 1659, a number of men, including Henry Bromley of Holt, were dropped from the county committee, possibly because they were suspected of complicity in Royalist plots. Their displacement reversed the trend towards a more affluent county committee. The average income dropped to £390.³

Some Royalist gentlemen continued their attempts to restore the King by force until the very last moment. In July 1659 there was a minor rising in Worcestershire which probably had loose connections with Booth's rebellion. Sir John Pakington and Samuel Sandys were arrested in Worcester⁴ and a group of Worcestershire Royalists led by Lord Windsor, John Talbot, the son of Sherrington Talbot, Charles Lyttleton, brother of Henry Lyttleton, and Henry Norwood met with a group from Shropshire intending to capture

1 J. Noake, *Worcester Sects*, 1861, *passim*; W. Urwick, *Nonconformity in Worcester*, 1897, *passim*.

2 Appendix IV.

3 Appendix IV.

4 Underdown, *Royalist Conspiracy*, p.259.

Shrewsbury.¹ However, the conspirators had second thoughts and fled without taking action. It would appear that there was considerable passive support for Booth's rising in Worcestershire. Two Worcester tradesmen were charged with distributing his declaration and the sequestration commissioners were ordered into action once more. Their efforts seem to have been half-hearted and it does not appear that supporting Booth caused serious financial loss to any of his Worcestershire followers.²

It was not until 1660 that Worcestershire Royalists joined in attempts to make peaceful Restoration possible. Once it was apparent that the King would return, twenty-three leading Royalists joined to issue a statement denying the desire for revenge and hoping for a return to Christian love between neighbours.³ The elections of 1659 had not revealed any significant change in the county balance of power if only those elected are considered. The county returned Nicholas Lechmere once more and Thomas Foley, a member of the family of ironmasters which had produced armaments for the King in the first civil war despite its moderate Puritanism, but had served the State during the 1650s. The challenge to these two from John Talbot, son of Sherrington Talbot of Salwarp, a noted Royalist, and John Nanfan, a supporter of Parliament from the beginning of the civil war, but a man whose loyalty was so suspect that Cromwell had forbidden him to take his seat in 1656,⁴ indicates a revival of Royalist strength and sentiment, especially when one considers that Foley and Lechmere had to spend £614 on this closely contested election.⁵ Men with an obvious appeal to moderates were being threatened by Royalists.

This breach in the power of the Parliamentary elite was repeated in the city of Worcester election. William Collins kept his seat but he was joined by Thomas Streete, a barrister and son of a Worcester merchant who had been too young to participate in the civil war and who had not held local office during the 1650s. Droitwich returned John Wilde and Edward Salway, eldest son of Humphrey Salway, but much less active in the cause of Parliament than either his father or younger brother. It is symptomatic of the drift towards Restoration that Wilde, Long Parliament knight of the shire and national figure during the Commonwealth and Protectorate, could in 1659 find a seat only in Droitwich, the borough in which his family had traditionally exercised electoral influence. Evesham and Bewdley elected moderates who had held public office during the 1650s. One of the Evesham members,

1 S.P.23/264/65 and 66.

2 S.P.23/263/41; S.P.23/263/64.

3 T.T.669 f.24 (1).

4 *Supra*, p.289.

5 P.H.W., p.51; Shirley, *op.cit.*, p.28.

Theophilus Andrews, was a candidate for the Convention Parliament and a post-Restoration J.P.¹ It is apparent that by 1659 he was prepared to accept Restoration. His colleague, Robert Atkins, had pursued his legal career during the Interregnum but he had held no important public office. After the Restoration he rose to be Lord Chief Baron of the Exchequer.² Edward Pytts, the member for Bewdley, was a moderate who served both the Protectorate and the restored King.³

The drift back to Royalism accelerated in the elections of April 1660. The county returned Henry Bromley and John Talbot, both sons of Royalist commissioners and young men described by Hyde as "arrant Cavaliers by generation and education". They had won a hard fought battle against the Presbyterians Thomas Foley and Colonel Richard Graves despite opposition from the army, Richard Baxter and the Puritan clerical establishment. In 1659 the cavaliers had been strong enough to challenge the Presbyterians; in 1660 they won. Country opinion had lost its fear of Restoration once it was clear that it would not be achieved by force of arms.⁴ The city elected Thomas Street and Thomas Hall, men who had held office under the Protectorate and were to continue doing so after the Restoration. Droitwich elected Samuel Sandys, the Royalist commissioner, and Thomas Coventry, younger son of the second Lord Coventry.⁵ Evesham was represented by two Parliamentary moderates, John Egiock and Sir Thomas Rous, Bewdley by another moderate, Thomas Foley, a county member in 1659.⁶

The gentlemen who had ruled the county during the Interregnum recognised the inevitability of Restoration during 1659 and 1660. Nicholas Lechmere took care to obtain a pardon from the King at Breda, and the way the tone of his diary changed from Republicanism to Royalism is remarkable.⁷ Undoubtedly other men who had served the Commonwealth and Protectorate found their own ways of making themselves acceptable to the King. In January 1659/60 the last county committee was appointed. Though it included few former Royalists, most of the minor gentlemen and merchants had disappeared, their places taken by substantial landowners of moderate views. This committee had the highest average income, £473 *per annum*, of any Worcestershire county committee.⁸ It was, however, the first post-Restoration commission

1 P.H.W., p.146.

2 *Ibid.*, p.146.

3 *Supra*, p.289.

4 G. Davies, *The Restoration of Charles II*, Oxford, 1969, p.323; *Calendar of Clarendon State Papers*, iv, pp.642, 644; H.M.C., *Laing*, i, pp.310-11.

5 P.H.W., pp.126-7.

6 *Ibid.*, p.148; *Supra*, pp.289, 295.

7 Shirley, *op.cit.*, *passim*; P.H.W., pp.47-8.

8 Appendix IV.

of the peace which marked the reunification of the traditional ruling class and its return to unchallenged power.¹

The history of local government in Worcestershire is different from that of counties which remained in the military control of Parliament during the civil war. In a Royalist-dominated county the moderates were Royalist. The people who would have been political Presbyterians if the county had been dominated by Parliamentary armies were lukewarm supporters of the King, opponents of the military and extremist courtiers, men who favoured conciliatory moves and pressed the King to moderate courses in the Oxford Parliament. It is this group which best represents the country opinion which the elite in power had always to consider. Edward Vernon, a commissioner of array who held office in the Protectorate, probably wrote no more than the truth when he claimed that he acted in the Royalist interest only because his habitation was in the middle of the King's quarters.²

As discussed above, the Worcestershire gentlemen who supported Parliament were so heavily committed that few were able to turn monarchist in 1647 and 1648. The execution of the King cannot have been popular with men such as Ligon and Rous, and of the leading Parliamentary gentlemen, none, with the possible exception of John Wilde, was a radical Independent. However the isolation of the Parliamentary gentry in Royalist Worcestershire led most to see a cavalier rising as a greater threat than Levellers and sectaries for as long as Oliver Cromwell remained alive.

The relatively stable membership of the core of the Worcestershire committees and bench after 1646 can be explained by the absence of uncommitted supporters during the civil war. In Parliamentary counties gentlemen who lacked strong political views would have served as J.P.s and county committeemen rather than incur the wrath of the party in power by their failure to accept their accustomed role in county government. The men who changed sides in the second civil war or refused to serve the Commonwealth and Protectorate were, for the most part, people whose political and religious views differed little from those of some Royalists. Had the King triumphed in the first civil war and embarked on a radical counter-revolutionary programme, it is possible that the moderate constitutionalists of the Royalists might have acted as some of the Parliamentary Presbyterians did in 1648.

The failure of all but a tiny minority of the Worcestershire Royalists to accept reintegration into the Cromwellian political system is more difficult to explain. For the moderates, the Protector must have had considerable appeal. However, Worcestershire experience is in this respect similar

1 C.220/9/4.

2 C.C.C., p.1373.

to that of other counties. In both Somerset and Kent there was a decline in the representation of the traditional ruling families in the organs of government in the late 1640s and early 1650s, a decline which was partially reversed in the late 1650s.¹ Distaste for Cromwell, attachment to the Anglican church, feelings of personal loyalty to Charles II, resistance to centralisation, group solidarity with other Royalists, the belief that a Restoration could be achieved, combined to keep most Royalists aloof from conciliatory moves.

The entire period from the late 1630s had been one in which conflicting minorities had sought to gain the support of country opinion, of the localist freeholders and the lesser gentry. It is clear that the centralisation of Thorough was anathema to the county community, and in the case of ship money at least, the normally deferential farmers were prepared to adopt stronger methods of resistance than were their social superiors. In the civil war country opinion was divided, but, except among certain urban groups, the majority probably favoured the King. Later in the civil war country opposition to plunder, to high taxation, and to the alien code of military conduct introduced from Germany, had turned many to neutralism or outright support for Parliament. In 1647 and 1648 high taxation, conscription and billeting produced a reaction in favour of the King.

The reaction was not complete until 1660. Though radical religious and political ideas had little support in Worcestershire, there seems to have been no great willingness to see the cavaliers re-impose the King by force. Drunken toasts to the King-over-the-water were common; willingness to fight in a counter-revolution was not. When the King entered Worcestershire in 1651, few answered his call. The Interregnum plots were by their very nature affairs for the few rather than the many, but it is doubtful if mass support would have been forthcoming had one of the plots led to a full scale revolt.

By 1660 the situation was different. The Interregnum government had collapsed and it was clear that the King could be restored without bloodshed. He would return, but not as a conqueror. The county community resented the high taxation, the centralisation, the military rule. Many had forgotten, or were too young to have known, the grievances of the 1630s. They looked back to a golden age of monarchy which could be revived by bringing

¹ Everitt, *op.cit.*, p.296; Underdown, *Somerset*, pp.176-7. The return to power of the traditional ruling families of Somerset in the late 1650s may have been earlier and more complete than in Worcestershire. However there had been more support for Parliament among the Somerset gentry. In Kent the return to power of the pre-war magnates seems to have been as late as in Worcestershire.

in Charles. Peaceful accession would remove the threat of perpetual Royalist plots which would continue as long as Charles lived. Restoration would put an end to uncertainty and mark a return to stability and settled government.

In 1660 the rule of the traditional governing families was restored along with the monarchy, but it was no more possible to put back the clock to 1642 in local government than it was in national affairs. Outward appearances could be deceptive. Familiar names fill the Restoration commissions of the peace, the traditional ruling families held the positions of sheriff, J.P., deputy-lieutenant and Member of Parliament. Pre-war rivalries, such as that between the Herberts and the Clares for the right to represent the borough of Bewdley, which had been submerged during the Interregnum, were revived after 1660 and they help provide an atmosphere of *deja vu* when one studies Restoration Worcestershire.¹ In fact much had changed. Power was concentrated in fewer hands, the political nation truncated, participation in any but menial offices restricted to members of the gentry. The post-Restoration grand jury is symptomatic of the general trend. Before the civil war grand juries included only a few gentlemen and a large number of freeholders; after the Restoration grand juries contained only gentlemen and a handful of wealthy farmers.² By no stretch of the imagination can pre-war Worcestershire be considered a democratic society, yet power and participation in local affairs were widely diffused. The landowners ruled with the consent of the common people and even in their interests. After the civil war the society of rural communities gave place to one which was both more individualistic and more conscious of class. The civil war had cut men off from their local community and made them conscious of the horizontal as well as the vertical divisions in society. One result was the radicalism of the Parliamentary armies, another the "fleering" attitude of Oxford cavaliers to their social inferiors. Both were responses to the breaking of ties which gave men a place in a tightly knit community, in a hierarchy believed to have been ordained by God, and in a social system which provided a function for all.

The organic-functionalist view of society did not die with the Restoration and it had been under attack long before 1642, but it was not until after 1660 that the gentry were freed from continuing government pressure to perform their obligations to their social inferiors. After the

1 *P.H.W.*, pp.167-8.

2 *Supra*, pp.66-9; Townshend, *Diary*, ii, p.277. List of names and status of Restoration grand jury.

Restoration, the classes below the gentry were still subject to laws which forced them to perform their duties to society, which restricted their social and geographical mobility. After 1660 the gentry had to share less of their power and they were free from many of the old obligations. Even the growth of petty sessions and the decline of the leet increased gentry domination and reduced the independence of the countrymen. Estates increased in size, gentlemen became mere rentiers rather than farmers, their homes were stately mansions rather than the headquarters of rural enterprise.¹ As the yeomen lost their stake in the land, society became more stratified, the gulf between small landowner and gentleman, never easy, but hitherto possible to cross, became an almost unbridgeable chasm. In this more rigid society even the ability to rise by means of education declined, and with it the number of boys studying in schools and universities.² After the Restoration the number of gentlemen decreased, their status was inflated, and there was an increasing tendency for the gentry to become an exclusive caste.³ The distance between classes became greater and the opportunity for individual mobility became less.

The break-down of the old county community followed the emancipation of the gentry. Cut off from the communities which provided their wealth, the gentry developed an orientation which was national rather than local. They became part of a culture which focussed on the capital rather than the counties. The divorce of the gentry from active participation in the life of the countryside was followed much later by the transformation of English social structure and the dissolution of its vertical divisions. Afterwards there came into existence an individualistic society and the politics of the mass electorate. The seeds of these changes were apparent before the civil war and during the Interregnum, but it was the Restoration which accelerated the trend towards individualism and the gradual disappearance of a society based on local communities.

1 Yelling, *op.cit.*, pp.151-167, for evidence concerning the aggregation of estates and decline of peasant ownership in Worcestershire; Everitt, *op.cit.*, pp.36-7, for the situation in Kent; Everitt, "Farm Labourers", in Thirsk, *op.cit.*, pp.462-5, notes the increase in social distance and development of animosity between labourer and gentleman which followed the Restoration

2 L. Stone, "The Educational Revolution in England, 1540-1640", *Past and Present*, 28, pp.41-80, especially, pp.73-5.

3 *Supra*, p.23, for evidence of the decline in the number of armigerous gentry. There were approximately 350 gentlemen heading families in 1640. There were only about 125 persons described as gentleman, esquire or knight in the hearth tax returns for the late 1660s and early 1670s. Between 550 and 600 were described as "Mr". In a freeholders' list of 1703-4, 141 persons held the rank of gentleman or above and 53 were described as "Mr". Grazebrook, *op.cit.*, ii, pp.726-45.

APPENDICES

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APPENDIX I

Records of the hearth tax, used cautiously, enable the historian to make a fairly reliable estimate of population. Unfortunately the Worcestershire returns present a number of difficulties; none in the 1660s is complete, several are badly damaged, there are discrepancies in the totals and the exemption certificates, which were filed separately from the accounts of those who were chargeable, have been lost. The badly damaged roll for 1664 and some loose parish accounts are the only exceptions. The problem of incompleteness has been solved by pooling the information from several rolls, and where more than one account has survived for a parish, the highest number of houses has been accepted as the most likely to be correct. As Eversley observed, "houses could hardly have been invented, though it was easy to omit them."¹

The greatest difficulty in estimating population from the hearth tax returns is deciding the appropriate multiplier. Gregory King believed that in 1690 the average number of persons per house in rural England was 4.04 and this would possibly be the correct multiplier to use if we possessed all the exemptions. The surviving exemptions suggest that nearly 40% of all Worcestershire households were exempt.² However nearly all houses occupied by persons too poor to pay any taxation had only one hearth and must have provided shelter for far fewer people than the houses of the more prosperous part of society. Even though it is considered that Eversley's 4.5 multiplier applied to houses liable to hearth tax may give a slightly conservative estimate of population, it has been adopted here. Eversley considered using a multiplier of 5, the one shown to be appropriate for the early nineteenth century by study of census data 1801 - 1831, but decided that population growth and higher marital fertility had brought about greater overcrowding than had been experienced in the seventeenth century.³

One *caveat* must be added - it is possible that the use of a constant multiplier for rural areas and for towns could lead to a slight underestimate of borough populations as exemptions were probably more numerous in towns. However it is possible that a marginally higher occupancy rate in town houses might have compensated for the greater proportion of paupers to tax payers.⁴

1 D.E.C. Eversley, "A Survey of Population in an Area of Worcestershire" *Population Studies*, 10, 1957, p.260.

2 E.179/260/16. Return for Lady Day 1664.

3 Eversley, *loc.cit.*, pp.258-9.

4 Unfortunately exemption certificates have not survived for any of the corporate boroughs in Worcestershire, but exemptions were exceptionally high in the industrial parishes of Dudley and Oldswinford-with-Stourbridge.

The area of parishes is not entirely certain. The figures shown here are those calculated by the Ordnance Survey for the *Victoria County History*.¹ The boundaries used in the Ordnance Survey's calculations were those of 1801 where these were known. The precise location of parish boundaries was so uncertain that the early Ordnance maps made no attempt to show them and there is often significant variation between the parish areas shown in different nineteenth century census reports. The areas shown in the *Victoria County History* have been adjusted to take account of early Victorian boundary changes, which severed some hamlets from Worcestershire parishes and joined others to the county. The area of these hamlets was derived from the 1831 *Census Report*.

1 *V.C.H. Wores.*, iv, pp.465-472.

DODDINGTREE, HUNDRED

	Acres	1569 Families	Paid Hearth Tax	Exempt Hearth Tax	Population Estimate	Population Density Estimate	Gentlemen c. 1600	Subsidiymen c. 1600	Gentlemen c. 1640	Subsidiymen c. 1640
LOWER DIVISION										
Abberley	2636	n.a.	37	n.a.	167	40.55	nil	20	nil	19
Astley	3031	n.a.	60	n.a.	270	57.01	3	18	1	15
Bayton	1960	n.a.	45	n.a.	203	66.29	1	9	nil	12
Doddenham	912	18	21	10	95	66.67	nil	4	nil	5
Mamble	2658	n.a.	53	n.a.	239	57.55	1	11	1	10
Ribbesford	1608	n.a.	13	1	59	23.48	3	8	1	11
Rock	7754	n.a.	58	n.a.	261	21.54	1	23	nil	22
Shellesley Beauchamp	1284	21	22	n.a.	99	49.34	nil	12	1	13
Shrawley	1941	35	43	n.a.	194	63.97	nil	12	1	13
Stockton on Teme	882	n.a.	20	n.a.	90	65.31	nil	6	2	7
Witley, Great	2672	27	36	n.a.	162	38.80	n.a.	n.a.	n.a.	n.a.
Total	27338	inc.	408	inc.	1839	43.05	inc.	inc.	inc.	inc.
Bewdley	1881	n.a.	246	n.a.	1107	376.65	3	42	1	43
Total	29219	inc.	654	inc.	2946	64.54	inc.	inc.	inc.	inc.

	Acres	DODDINGTREE HUNDRED					1569 Families	Paid Heath Tax	Exempt Heath Tax	Population Estimate	Population Density Estimate	Gentlemen c. 1600	Subsidymen c. 1600	Gentlemen c. 1640	Subsidymen c. 1640
UPPER DIVISION															
Acton Beauchamp	1544	22	28	n.a.	126	52.23	nil	7	n.a.	n.a.					
Areley Kings	1503	33	44	n.a.	198	84.31	nil	10	1	10				1	10
Bockleton	2755	n.a.	35	n.a.	158	36.70	3	15	1	13				1	13
Clifton upon Teme	2976	n.a.	119	62	536	115.27	6	37	2	27					
Cotheridge	2202	29	30	n.a.	135	39.24	1	8	n.a.	n.a.					
Eastham	3846	n.a.	40	n.a.	180	29.95	3	18	nil	14					
Edvin Loach	534	n.a.	9	n.a.	41	49.14	n.a.	n.a.	n.a.	n.a.					
Hanley William	1165	n.a.	26	n.a.	117	64.27	1	7	1	10					
Kyre, Great	1516	n.a.	15	n.a.	68	28.72	1	7	1	5					
Kyre, Little	900	17	26	n.a.	117	83.20	nil	9	nil	9					
Martley	5221	72	89	69	401	49.16	2	36	2	44					
Sapy Pritchard	1696	n.a.	30	n.a.	135	50.59	n.a.	n.a.	n.a.	n.a.					
Shelsley Kings	951	n.a.	9	n.a.	41	27.59	nil	8	nil	6					
Shelsley Walsh	495	n.a.	8	n.a.	36	46.55	n.a.	n.a.	n.a.	n.a.					
Stanford on Teme	1272	n.a.	19	4	86	43.27	1	10	1	10					
Suckley	5184	109	121	n.a.	545	67.28	1	8	n.a.	n.a.					
Total	39342	inc.	796	inc.	3586	58.33	inc.	inc.	inc.	inc.					

HALF SHIRE HUNDRED

LOWER DIVISION	Acres	1569 Families	Paid Heath Tax	Exempt Heath Tax	Population Estimate	Population Density Estimate	Gentlemen c. 1600	Subsidymen c. 1600	Gentlemen c. 1640	Subsidymen c. 1640
Belbroughton	4749	68	98	n.a.	441	59.43	2	23	2	25
Chaddesley Corbett	6079	16	128	102	576	60.64	3	25	3	31
Churchill	945	9	13	2	59	39.58	nil	5	nil	4
Dudley	3615	n.a.	199	231	896	158.63	1	18	3	14
Elmley Lovett	2381	48	61	27	275	73.92	2	19	4	16
Frankley	1934	n.a.	30	n.a.	135	44.67	1	11	nil	6
Hagley	2431	19	41	n.a.	185	48.70	1	11	nil	11
Halesowen (in Worcs.)	1360	n.a.	104	n.a.	468	220.24	nil	29	4	23
Kidderminster	1036	260	264	n.a.	1188	733.90	4	35	15	45
Kidderminster Foreign	10725	n.a.	181	n.a.	815	48.63	2	37	4	32
Mitton, Upper	359	n.a.	8	n.a.	36	64.18	nil	3	nil	4
Pedmore	1510	n.a.	36	18	162	68.66	1	6	nil	8
Rushock	1257	17	23	9	104	52.95	1	7	1	9
Stone	2516	17	34	n.a.	153	38.92	1	11	1	14
Oldswinford-with-Stourbridge	2704	182	283	303	1274	301.54	nil	19	nil	27
Total	43610	inc. 1503	inc. 1503	inc.	6767	99.31	19	259	37	269
Rural only ¹	34895	inc. 654	inc. 654	inc.	2941	53.94	14	158	15	160

¹ Excluding Kidderminster, Dudley, Halesowen and Oldswinford.

HALFESHIRE HUNDRED

UPPER DIVISION	Acres	1569 Families	Paid Heath Tax	Exempt Heath Tax	Population Estimate	Population Density Estimate	Gentlemen c. 1600	Subsidymen c. 1600	Gentlemen c. 1640	Subsidymen c. 1640
Bromsgrove	10968	303	467	n.a.	2102	122.65	4	56	5	77
Coston Hackett	1299	n.a.	16	n.a.	72	35.47	2	7	1	6
Church Lench (Part)	1360	58 ¹	20	n.a.	90	42.35	nil	5	nil	2
Dodderhill	3672	69	67	n.a.	302	52.64	2	19	1	17
Elmbridge	1774	29	39	n.a.	176	63.49	4	10	4	15
Doverdale	749	8	9	n.a.	41	35.03	4	5	3	4
Feckenham	6978	136	146	n.a.	657	60.26	6	30	13	47
Hadzor	940	15	17	n.a.	77	52.43	2	4	2	4
Hampton Lovett	1908	24	29	n.a.	131	43.94	4	9	5	11
Kings Norton	12180	198	277	n.a.	1247	65.52	15	60	15	60
Kington	1071	14	12	n.a.	54	32.27	2	7	1	6
Northfield	6011	35	30	n.a.	135	14.37	2	19	nil	20
Salwarpe	1850	44	42	n.a.	189	65.38	2	11	3	15
Tardebigge	13177	144	204	n.a.	918	44.59	2	19	5	30
Upton Warren	2600	31	38	n.a.	171	42.09	1	15	1	13
Yardley	7590	135	168	n.a.	756	63.75	3	38	2	20
Total	74127	inc. 1581	1581	n.a.	7118	61.46	53	307	62	347

¹ Whole parish, including portion in Blackenhurst.

OSWALDSLOWE HUNDRED

LOWER DIVISION	Acres	1569 Families	Paid Hearth Tax	Exempt Hearth Tax	Population Estimate	Population Density Estimate	Gentlemen c. 1600	Subsidymen c. 1600	Gentlemen c. 1640	Subsidymen c. 1640
Berrow	2180	47	44	n.a.	198	51.58	nil	12	n.a.	n.a.
Bredicott	399	7	12	n.a.	54	86.62	nil	3	n.a.	n.a.
Broadwas	1160	21	24	n.a.	108	59.59	1	9	n.a.	n.a.
Churchill	670	11	12	2	54	51.58	nil	3	n.a.	n.a.
Claines (excluding Whistones)	4725	85	120	47	540	73.14	9	31	n.a.	n.a.
Croome D'Abitot	1178	21	23	n.a.	104	56.50	nil	5	n.a.	n.a.
Croome, Earl's	1141	35	28	n.a.	126	70.27	nil	5	n.a.	n.a.
Grimley	2471	30	43	n.a.	194	50.25	1	7	n.a.	n.a.
Hallow	3619	52	57	n.a.	257	45.45	1	15	n.a.	n.a.
Hartlebury	5355	109	115	n.a.	518	61.91	nil	38	n.a.	n.a.
Hindlip	1054	9	11	7	50	30.36	1	5	n.a.	n.a.
Hill Croome	993	30	20	10	90	58.01	2	3	n.a.	n.a.
Holt	1999	26	37	n.a.	167	53.47	2	8	n.a.	n.a.
Little Witley	1081	17	36	n.a.	162	101.85		1	n.a.	n.a.
Kempsey	3238	80	94	n.a.	423	83.61	2	19	n.a.	n.a.
Knighton on Teme	2593	n.a.	37	n.a.	167	41.22	n.a.	n.a.	n.a.	n.a.
Sub-total	23856	inc.	713	inc.	3212	60.72	inc.	inc.	n.a.	n.a.
1 With Holt.										

OSWALDSLOWE HUNDRED

	Acres	1569 Families	Paid Hearth Tax	Exempt Hearth Tax	Population Estimate	Population Density Estimate	Gentlemen c. 1600	Subsidymen c. 1600	Gentlemen c. 1640	Subsidymen c. 1640
LOWER DIVISION										
Carried forward	23856	inc.	713	inc.	3212	60.72	inc.	inc.	inc.	inc.
Knightwick	857	10	15	3	68	50.78	n.a.	n.a.	n.a.	n.a.
Lindridge including Pensax	3693	n.a.	41	n.a.	185	32.06	4	26	3	39
Malvern, Little	732	37	14	n.a.	63	55.08	1	1	n.a.	n.a.
Norton by Kempsey	1811	39	33	n.a.	149	52.66	1	10	n.a.	n.a.
Oddingley	894	13	25	n.a.	113	80.89	nil	3	n.a.	n.a.
Ombersley	7129	88	206	n.a.	927	83.22	2	36	n.a.	n.a.
Pendock	1163	18	21	n.a.	95	52.28	1	10	n.a.	n.a.
Redmarley Dabiotot	3800	72	58	48	261	43.96	2	23	n.a.	n.a.
Ripple with Holdfast	3467	77	92	n.a.	414	76.43	3	24	n.a.	n.a.
Spetchley	780	14	12	2	54	44.31	1	4	n.a.	n.a.
Stoulton	1952	35	34	n.a.	153	50.16	1	11	1	14
Warndon	988	n.a.	20	n.a.	90	58.30	nil	4	n.a.	n.a.
Welland	1977	n.a.	38	n.a.	171	55.36	n.a.	n.a.	n.a.	n.a.
White Ladies Aston	1236	21	32	n.a.	144	74.56	1	8	n.a.	n.a.
Sub-total	54335	inc.	1354	inc.	6099	71.84	inc.	inc.	inc.	inc.

OSWALDSLOWE HUNDRED

LOWER DIVISION	Acres	1569 Families	Paid Heath Tax	Exempt Heath Tax	Population Estimate	Population Density Estimate	Gentlemen c. 1600	Subsidymen c. 1600	Gentlemen c. 1640	Subsidymen c. 1640
Carried forward	54335	inc. 1355	inc. 1355	inc. 6099	71.84	inc.	inc.	inc.	inc.	inc.
Wichenford	2669	27	36	17	162	38.84	1	10	n.a.	n.a.
Wolverley	5543	72	77	n.a.	347	40.06	2	21	n.a.	n.a.
Whistones	88	1	31	43	140	1018.18	1		n.a.	n.a.
Total rural	72572	inc. 1493	inc. 1493	inc. 6726	59.32	inc.	inc.	inc.	inc.	inc.
St Johns in Bedwardine	3776	88	93	n.a.	419	71.02	nil	6	n.a.	n.a.
Whittington	989	7	37	n.a.	167	108.07	nil	5	n.a.	n.a.
Total suburban	4765	95	130	inc.	585	78.58	nil	11	n.a.	n.a.
Total	77337	inc. 1628	inc. 1628	inc. 7333	60.68	inc.	inc.	inc.	inc.	inc.
1 With Claines.										

OSWALDSLOWE HUNDRED

	Acres	1569 Families	Paid Hearth Tax	Exempt Hearth Tax	Population Estimate	Population Density Estimate	Gentlemen c. 1600	Subsidymen c. 1600	Gentlemen c. 1640	Subsidymen c. 1640
MIDDLE DIVISION										
Alvechurch	6800	102	101	n.a.	455	42.82	nil	28	n.a.	n.a.
Bishampton	1910	32	50	n.a.	225	75.39	nil	5	1	9
Bredon	3187	53	78	n.a.	351	70.49	2	19	4	24
Bredon's Norton	1106	19	34	n.a.	153	36.87	1	13	1	9
Croptonthorne	3874	61	81	n.a.	365	60.30	1	12	2	15
Crowle	1735	36	28	n.a.	126	46.48	1	11	3	9
Elmley Castle	2062	57	54	15	243	75.42	2	6	n.a.	n.a.
Fladbury	6879	138	172	n.a.	774	72.01	nil	47	9	39
Hanbury	7533	85	112	n.a.	504	42.82	4	28	n.a.	n.a.
Harvington	1310	20	28	15	126	61.56	nil	7	nil	8
Himbleton	2450	25	38	17	171	53.65	nil	9	n.a.	n.a.
Huddington	981	10	12	6	54	35.23	n.a.	n.a.	n.a.	n.a.
Inkberrow	6879	129	146	n.a.	657	62.13	11	35	5	38
Overbury	3970	66	67	30	302	48.69	1	25	nil	17
Sub-total	50675	833	1001	inc.	4506	56.59	inc.	inc.	inc.	inc.

OSWALDSLOWE HUNDRED

	Acres	1569 Families	Paid Heath Tax	Exempt Heath Tax	Population Estimate	Population Density Estimate	Gentlemen c. 1600	Subsidymen c. 1600	Gentlemen c. 1640	Subsidymen c. 1640
MIDDLE DIVISION										
Carried forward	50675	833	1001	inc.	4506	56.59	inc.	inc.	inc.	inc.
Rous Lench	1494	12	40	7	180	77.06	n.a.	n.a.	n.a.	n.a.
Sedgberrow	1020	17	21	7	95	59.61	1	8	2	6
Stoke Prior	3835	49	90	n.a.	405	67.59	nil	20	n.a.	n.a.
Tibberton	1271	16	17	n.a.	77	38.77	1	5	n.a.	n.a.
Total	58296	927	1169	inc.	5267	57.78	inc.	inc.	inc.	inc.
UPPER DIVISION										
Blockley	7896	n.a.	125	n.a.	563	45.63	nil	54	8	43
Cleeve Prior	1521	18	19	15	86	36.19	1	10	1	9
Cutsdean	1560	12	20	n.a.	90	36.92	nil	7	n.a.	n.a.
Daylesford	670	10	8	n.a.	36	34.39	1	5	2	4
Evenlode	1619	19	32	n.a.	144	56.92	1	9	nil	9
Shipston on Stour	1220	62	93	n.a.	419	219.80	1	11	nil	9
Tidmington	774	11	8	n.a.	36	29.77	n.a.	n.a.	n.a.	n.a.
Tredington	5347	n.a.	57	n.a.	257	30.76	1	36	1	23
Total	20607	inc.	362	inc.	1631	50.65	inc.	inc.	inc.	inc.

PERSHORE HUNDRED

	Acres	1569 Families	Paid Heath Tax	Exempt Heath Tax	Population Estimate	Population Density Estimate	Gentlemen c. 1600	Subsidymen c. 1600	Gentlemen c. 1640	Subsidymen c. 1640
LOWER DIVISION										
Birtsmorton	1292	31	25	21	113	56.02	1	8	n.a.	n.a.
Bushley	1834	24	53	n.a.	239	83.40	3	17	n.a.	n.a.
Castlemorton	3701	52	62	61	279	48.25	1	22	n.a.	n.a.
Chaceley	1763	41	35	23	158	57.36	1	9	n.a.	n.a.
Eldersfield	3387	71	79	n.a.	356	67.27	4	22	n.a.	n.a.
Hanley Castle	5923	136	122	n.a.	549	59.32	6	24	n.a.	n.a.
Leigh and Bransford	6129	100	93	n.a.	419	43.75	2	40	n.a.	n.a.
Longdon	3941	46	62	n.a.	279	45.31	2	12	n.a.	n.a.
Madresfield	1192	13	26	6	117	62.82	1	3	n.a.	n.a.
Malvern, Great and Newland	5021	n.a.	129	n.a.	581	74.06	3	20	n.a.	n.a.
Mathon	3441	25	44	n.a.	198	36.83	2	12	n.a.	n.a.
Powick	5250	n.a.	99	n.a.	446	54.37	5	31	n.a.	n.a.
Queenhill	688	19	11	n.a.	50	46.51	1		n.a.	n.a.
Severn Stoke	2326	87	90	n.a.	405	77.93	1	12	n.a.	n.a.
Staunton	1505	33	31	n.a.	140	59.53	1	11	n.a.	n.a.
Upton upon Severn	3211	113	146	n.a.	657	130.95	1	17	n.a.	n.a.
Total	51603	inc. 1107	inc. 1107	inc.	4986	61.83	inc.	inc.	inc.	inc.

1 With Bushley

PEKSHORE HUNDRED

UPPER DIVISION	Acres	1569 Families	Paid Heath Tax	Exempt Heath Tax	Population Estimate	Population Density Estimate	Gentlemen c. 1600	Subsidymen c. 1600	Gentlemen c. 1640	Subsidymen c. 1640
Abberton	999	n.a.	37	n.a.	167	106.99	nil	21	nil	16
Alderminster	3229	23	28	n.a.	126	24.97	nil	7	1	6
Beoley	4718	64	64	n.a.	288	39.07	1	16	n.a.	n.a.
Birlingham	1272	32	43	n.a.	194	97.61	1	11	2	6
Broadway	4990	74	80	n.a.	360	46.17	1	16	4	15
Broughton Hackett	386	9	16	n.a.	72	119.38		1		
Comberton, Great	965	24	28	n.a.	126	83.56	nil	7	1	1
Comberton, Little	790	17	26	n.a.	117	94.78	1	6	1	7
Dormston	820	18	18	n.a.	81	63.22	nil	6	nil	6
Eckington	2168	50	60	n.a.	270	79.70	nil	11	1	13
Flyford Flavell	698	31	22	n.a.	99	91.56	nil	5	nil	8
Grafton Flyford	1680	23	33	n.a.	149	56.76	nil	7	nil	7
Martin Hussingtree	922	n.a.	23	n.a.	104	72.19	2	6	n.a.	n.a.
Naunton Beauchamp	1030	17	24	n.a.	108	67.11	nil	5	2	7
Sub-total	24667	inc.	502	n.a.	2261	58.66	6	124	inc.	inc.
1 With Upton Snodsbury										

PERSHORE HUNDRED

	Acres	1569 Families	Paid Heath Tax	Exempt Heath Tax	Population Estimate	Population Density Estimate	Gentlemen c. 1600	Subsidymen c. 1600	Gentlemen c. 1640	Subsidymen c. 1640
UPPER DIVISION										
Carried forward	24667	inc.	502	n.a.	2261	58.66	6	24	inc.	inc.
Peopleton	1539	20	32	n.a.	144	59.88	2	6	nil	9
Pershore, St Andrew	9960	181	214	n.a.	963	61.88	3	44	4	61
Pershore, Holy Cross	2950	216	130	n.a.	585	126.92	2	27	6	23
Piddle, North	797	n.a.	17	n.a.	77	61.83	nil	5	nil	6
Pirton	1690	25	26	n.a.	117	44.31	1	11	1	11
Strensham	1967	30	36	n.a.	162	52.71	nil	10	2	12
Upton Snodsbury	1691	22	40	n.a.	180	68.13	1	13	1	13
Total	45253	inc.	997	n.a.	4489	63.49	15	240	inc.	inc.

LAND USE AREAS OF EAST WORCESTERSHIRE

	Acreage	1569 Families	Paid Hearth Tax	Exempt Hearth Tax	Population Estimate	Population Density Estimate	Gentlemen c. 1600	Subsidymen c. 1600	Gentlemen c. 1642	Subsidymen c. 1642
SOUTH										
Bishopston	1910	32	50	n.a.	225	70.49	n.a.	n.a.	n.a.	n.a.
Bretforton	1706	41	35	n.a.	158	59.27	2	12	2	12
Church Honeybourne	1339	16	8	n.a.	36	17.21	1	4	n.a.	n.a.
Naunton Beauchamp	1030	17	24	n.a.	108	67.11	nil	5	2	7
North Piddle	797	nil	17	n.a.	77	61.83	nil	5	nil	6
Peopleton	1539	20	32	n.a.	144	59.88	2	6	nil	9
Upton Snodsbury	1691	22	40	n.a.	180	68.13	nil	13	nil	13
Total	10012	inc.	206	n.a.	928	59.32	inc.	inc.	inc.	inc.
DROITWICH										
Elmley Lovett	2381	48	61	27	275	73.92	2	19	4	16
Himbleton	2040	25	38	17	171	53.65	nil	9	n.a.	n.a.
Rushock	1257	17	23	9	104	52.95	1	7	1	9
Salwarp	1850	44	42	n.a.	189	65.38	2	11	3	15
Total	7528	134	164	inc.	739	62.83	7	46	inc.	inc.

LAND USE AREAS OF EAST WORCESTERSHIRE

	Acres	1569 Families	Paid Heath Tax	Exempt Heath Tax	Population Estimate	Population Density Estimate	Gentlemen c. 1600	Subsidymen c. 1600	Gentlemen c. 1640	Subsidymen c. 1640
SEVERN VALLEY										
Chaddesley Corbett	6079	116	128	102	576	60.78	2	23	3	31
Ombersley	7129	88	206	n.a.	927	83.22	2	36	n.a.	n.a.
Severn Stoke	2326	87	90	n.a.	405	77.93	1	12	n.a.	n.a.
Total	16534	291	418	inc.	1908	73.86	5	71	inc.	inc.
NORTH-EAST										
Bromsgrove	10968	303	467	n.a.	2102	122.65	4	56	5	77
Feckenham	6978	136	146	n.a.	657	60.26	6	30	13	47
Hanbury	7533	85	112	n.a.	504	42.82	4	28	n.a.	n.a.
Stoke Prior	3835	49	90	n.a.	405	67.59	nil	20	n.a.	n.a.
Tardebigge	13177	144	204	n.a.	918	44.59	2	19	5	30
Total	42491	717	1019	n.a.	4586	69.09	16	153	inc.	inc.
Excluding Bromsgrove	31523	414	552	n.a.	2484	50.47	12	97	inc.	inc.

GENTLEMEN AS A PERCENTAGE OF TOTAL POPULATION

Worcestershire c.1640	2.5
Cheshire c.1640	3.0 +
Kent c.1640	2.1
Lancashire 1600	3.2
1642	2.3
1664	1.8
Yorkshire c.1640	1.0

Sources: Worcestershire, *supra*, p.24; Cheshire, calculated by Blackwood, *op.cit.*, p.16, from material in J.S. Morrill, "The Government of Cheshire during the Civil Wars and Interregnum", Oxford D.Phil. thesis, 1971; Kent, Everitt, *op.cit.*, pp.33-4. (Percentage cited by Blackwood, *op.cit.*, p.16); Lancashire, Blackwood, *op.cit.*, p.216; Yorkshire, Cliffe, *op.cit.*, pp.2-5.

MARRIAGE ALLIANCES OF THE GENTRY

c.1600-c.1640

	In County	Neighbouring	Other
Worcestershire (heads and heirs)	47.5%	28.5%	25.0%
Cheshire (heads and heirs)	75.0%	7.0%	18.0%
Kent	67.0%	22.0%	10.0%
Lancashire (heads and heirs)	69.3%	15.2%	15.5%
Warwickshire (heads, c.1640)	44.0%	34.0%	22.0%

Sources: Worcestershire, *Visitation of Worcestershire, 1569, 1634, 1682-3*, Nash, *op.cit.*, *passim*; Cheshire, J.S. Morrill, *Cheshire, 1630-1660*, Oxford, 1974, p.4; Kent, Everitt, *op.cit.*, pp.42-3, 328; Lancashire, Blackwood, *op.cit.*, p.80; Warwickshire, information kindly supplied by Miss Ann Hughes of Liverpool University.

APPENDIX II

NAMES OF OFFICIALS

JUSTICES OF THE PEACE 1603-1642

	A	B	C	D	E	F	G ¹
Amy, John	1605-11	None			2000	C	
Atkins, Richard	1603-10	None			2000	O	L
Baker, John	1613-17	40				O	I
Barnefield, Robert	1613-30	79		19		O	M
Berkeley, Sir Robert	1612-31 1634-39	115 None		2			
Berkeley, Rowland	1609-10	2		105			
Biggs, Sir Thomas	1603-20	115		176	1000	O	M
Bromley, Sir Henry	1603-14	None		1	2000	O	I
Bucke, Sir John	1608-37	239	314	430	250	O	I
Chamberlain, Thomas	1615	None				O	
Charlett, John	1624-39	131	171	113		O	
Child, William	1620-39	113	215	44	300	O	I
Clare, Francis	1603,6,7	5	28		666		
Clare, Sir Ralph	1621-39	None			500	O	M
Coles, Edmond	1603-04	15	17	10	1000		I
Combe, William	1604-10	None		2	1400		M
Cooks, Edward	1623-36	62	155	133	400		M
Cooks, Thomas	1638-39	10	20		250	O	I
Corbet, Sir Richard	1603-04	None				O	
Cornwall, Sir Gilbert	1638-39	None				O	
Cornwall, Thomas	1603-04	None			1000		M
Coventry, Sir Thomas	1603-04	None				O	I
Coventry, Thomas	1623-27	None				C	I
Cresheld, Richard	1626-39	3	145	4	275		L

1 For key to symbols see *infra*, p.324.

	A	B	C	D	E	F	F
Culpepper, John	1614-27	43	154	37	250	O	M
Devereux, Sir Walter	1623-29	23	186	28			
Dingley, Edward	1632-39	66	83	38	500	O	
Dingley, Francis	1603-23	159	209	136	1000		
Edes, Richard	1603-4	5	17			O	
Edmond, Thomas	1623-25	None					
Egeocke, Sir Francis	1603-21	122	186	61	500	O	M
Fleete, John	1603-17	70	141	55			I
Folliat, Thomas	1603-17	42	141	17	650		
Good, Thomas	1624 1629-39	2 44	15 114	35	250		
Grevill, Fulco	1603-4	None					
Graves, Sir Richard	1605-31	137	260	119	1000		
Graves, Thomas	1636-39	None			350		
Hall, Joseph	1626	None				C	
Harewell, Sir Edmund	1603-11	8	80	3	1000	O	
Helme, Christopher	1618-34	18	186	6		O	
Herbert, Sir Henry	1627-39	13	136	7	250		
Herbert, Sir William	1603-8	None					
Horton, William	1603-11	34	80	39	500		M
Ingram, Henry	1637-39	23	31	47	200		I
Ingram, William	1603-14 1617-34	71 119	109 198	70	500	C	I
Jeffreys, Leonard	1608-28	149	219	163			
Jeffreys, William	1618-28	41	124	45	500	O	
Jones, Walter	1603-26	70	244	29	500		L
Juxon, William	1628-34	None				O	G
Keighley, Sir Philip	1603-4	6	17				
Kettleby, Sir Francis	1605-15	71	104	22	350		
Lake, Arthur	1608-15	8	75	1		O	

	A	B	C	D	E	F	G
Langston, Anthony	1624-26	1	35	12	325		
Leighton, Sir Thomas	1603-14	None		10	1000		I
Leighton, Sir William	1603-6	None		1			G
Ligon, Sir Arnold	1605-11	28	63	9	1000		
Ligon, Sir William	1603-7	20	37	12	1000		M
Lyttleton, James	1627-39	57	136			O	
Lyttleton, Sir Thomas	1626	None			1500	O	I
Lloyd, Hugh	1623-34	3	133			O	
Moore, Francis	1609-18	48	98	10		O	M
Nanfan, John	1638-39	6	20	21			
Nott, Sir Thomas	1637-39	None			300	C	
Pakington, Sir John (senior)	1603-25	None		15	2000	O	L
Pakington, Sir John (junior)	1622-23	10	23				
Pytts, Sir Edward	1603-19	32	165	10	1000		I
Pytts, Sir James	1618-39	67	239	15	750		I
Poole, Sir Henry	1603-15	None					I
Potter, Christopher	1636-39	None				O	
Read, John	1615-28	29	152	1	1000		I
Rous, Sir John	1619-39	185	227	93	800		M
Russell, Sir Thomas	1603-34	141	327	38	1000	O	
Russell, Sir William	1633-39	None			1000	O	M
Salway, Arthur	1603-15	None		7	1000		
Salway, Humphrey	1620-39	175	215	104	350	O	I
Sandys, Sir Samuel	1603-22	135	194	52	1000		
Sandys, Sir William	1603-34	38	327	4	1000		
Sandys, William	1638-39	9	20		500	O	M
Savage, Giles	1623-31 1634	51 None	103	6	800		M

	A	B	C	D	E	F	G
Savage, Sir John	1619-21	9	31			O	M
Savage, John	1626-30 1634-39	17 10	54 43	6	500		
Savage, Walter	1603-21	91	186		1000		
Savage, William	1603-15	66	121		1000		M
Seabright, Sir Edward	1620-39	2	215	9	1000	O	
Skinner, Richard	1624-34	16	118	64		O	G
Smythes, Sir Arthur	1628-34	11	72		400		
Smith, William	1633-39	24	74	14	400	O	
Spiller, Sir Henry	1624-39	10	171	3	400		L
Swaddon, William	1618-22	29	53	64		O	
Symonds, Thomas	1623-25	13	39	18			
Talbot, John	1620-22	20	29	14	666		
Towneley, John	1613-15	None					
Townshend, Sir Henry	1603-20	None			500		L
Townshend, Henry	1636-39	24	43	19	200	O	
Vernon, Edward	1636-39	28	43	29		O	
Walshe, Richard	1603-6	None		2	1000		
Walshe, Sir William	1603-21	120	186	33	1000		
Warmestry, William	1627-39	60	136	81		O	
Warren, Thomas	1613-16	19	39	9			
Washbourne, John	1603-34	148	327 †	27	650		I
Whorwood, Sir William	1603-11	6	80		1000		L
Wilde, John	1619-39	128	227	75	500	O	I
Wilde, George	1603-15	27	121	36	500		I
Wood, William	1603-4	9	17				
Woodward, Thomas	1629-34	31	62	22		O	I

Justices of the Peace Appointed in 1640/1.

	E	F	G
John Evett		O	M
William Ligon			
Sir Edward Lyttleton, Bart.	500	O	I
Sir Thomas Lyttleton.	1500	O	I
William Mucklowe	200	O	
Sir John Pakington, Bart.	2500		
Samuel Sandys	1200		
Sherrington Talbot	666		
John Washbourne, junior.	250	O	M
Gervase Warmestry.		O	M

Sources. Names of J.P.s are taken from C.66, the Patent Rolls, and attendance figures from E.372, the Lord Treasurer's Remembrancer's Pipe Rolls. For a full discussion of sources of names of J.P.s see T.G. Barnes and A.H. Smith, "Justices of the Peace from 1558 to 1688 - a Revised List of Sources", *Bulletin of the Institute of Historical Research*, 32, 1959, pp.221-242. The only additional sources discovered in this study are a commission of the peace for 1619 in Bodl. MS Mus.Sch e.549, 550, and a quarter sessions *nomina ministorum* for Easter 1625, W.R.O.110: 8/75. Though Barnes and Smith express some doubts about the reliability of the Patent Roll entries, they generally correspond to other copies of Worcester-shire commissions. Their main fault was failure to remove names of deceased J.P.s for up to two or three years. Attendance figures based on E.372 must be treated with considerable caution. The presence of dignitaries unable to claim expenses was not recorded and there is considerable evidence of random error. They do, however, provide a guide to the relative conscientiousness of different J.P.s, even though they cannot be regarded as proof that a particular man either attended or did not attend sessions in a particular year. The list of J.P.s appointed in 1640/1 was copied from C.231/5, pp.434, 437. Incomes have been calculated from the subsidy Rolls, Royalist Composition Papers and family collections. For sources of information about education see *supra*, p.36.

- A Dates on Commission from C.66.
- B Attendances at quarter sessions from E.372.
- C Number of days sessions met during the time person who attended was a J.P.
- D Number of signatures on quarter sessions' documents, *W.Q.S.P.*, p.xxii-xxix.
- E Income - £ *p.a.*
- F University education: O = Oxford; C = Cambridge.
- G Legal training: I = Inner Temple; M = Middle Temple;
G = Grays Inn; L = Lincolns Inn

DEPUTY-LIEUTENANTS

Bromley, Sir Henry	1600, 1609.	2000	O	I
Devereux, Sir Walter	1624, 1640.			
Graves, Sir Richard	1624.	1000		
Leighton, Sir Thomas	1607, 1609.	1000		I
Ligon, Sir William	1600, 1607.	1000		M
Pakington, Sir John (senior)	1600, 1607.	2000	O	L
Rous, Sir John	1640.	800		M
Russell, Sir Thomas	1607, 1609, 1624.	1000	O	
Russell, Sir William	1640.	1000	O	M
Savage, Walter	1609.	1000		
Seabright, Edward	1624	1000	O	
Walsh, Sir William	1609	1000		
Washbourne, John	1600, 1609, 1624.	650		I

SOURCES.

1600	E.178/4779.	Four D.L.s.
1607	C.66/1746.	Four D.L.s.
1607	S.P.14/28/48.	Four D.L.s.
1609	C.66/1798.	Six D.L.s.
1624	S.P.14/179/23.	Four D.L.s.
1624	W.R.O. 705:93: 845/5.	Five D.L.s.
1640	Townshend, ii, p.13.	Three D.L.s

SHERIFFS

HIGH SHERIFF

1603	George Blunt	500	
1604	Thomas Russell	1000	O
1605	Richard Walshe	500	
1606	William Barnaby	600	
1607	Walter Savage	1000	
1608	John Pakington	2000	O L
1609	Arnold Ligon	1000	
1610	Richard Graves	1000	
1611	John Rous	800	M

UNDER-SHERIFF

William Pennell
George Langston
Richard Jones
Anthony Langston
William Amphlett
Edward Winslowe
William Amphlett

SHERIFFS

HIGH SHERIFF

UNDER-SHERIFF

1612	Edward Pytts	1000		I	Thomas Moore
1613	John Savage.	500	O	M	
1614	Robert Berkeley		O	M	William Blizzard
1615	Sherrington Talbot	666			William Amphlett
1616	Francis More		O	M	William Blizzard
1617	William Jeffreys	500		I	George Langford
1618	William Berkeley				William Blizzard
1619	Samuel Sandys	500			Thomas Chamberlayn
1620	Edward Wild,				John French
	Walter Blount	300	O	I	
1621	William Kyte				William Langston
1622	John Savage	500		M	Anthony Langston
	Edward Seabright	1000			
1623	John Woodward				Thomas Chamberlayn
1624	John Culpepper	250	O	M	Edmund Woodward
1625	Giles Savage	800		M	Ferdinand Jeffreys
1626	Walter Devereux				Thomas Chamberlayn
1627	Edward Cook	400		M	Edward Bowyer
1628	Richard Skinner				Job Edkyns
1629	Henry Bromley				Thomas Chamberlayn
1630	William Jeffreys	400			
1631	Thomas Smythe				Thomas Chamberlayn
1632	James Pytts	750		I	
1633	Thomas Good	250			Adam Hough
1634	John Kyte				Thomas Chamberlayn
1635	John Savage	500			
1636	William Russell	1000			Thomas Chamberlayn
1637	John Rous,	800			Adam Houghton
1638	Edward Dingley	500	O		Thomas Chamberlayn
1639	Thomas Graves	350	O		
1640	John Winford	250	O	I	John Bacon
1641	Daniel Dobbins	200			
1642	Edward Vernon		O		

Source: E.368, the Lord Treasurer's Remembrancer's Memoranda Rolls.

The sheriff took office in November of the year preceeding the one stated above.

APPENDIX III

COMMISSIONERS OF ARRAY, SEPTEMBER 1642

Prince Charles

Edward Lord Dudley

Thomas Lord Coventry

Sir Thomas Lyttleton, bart.	1500	O	I
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Sir John Pakington, bart.	2500		
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Sir Edward Seabright, bart.	1000	O	
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Sir William Russell, bart.	1000	O	M
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Sir Edward Lyttleton, bart.	500	O	I
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Sir Ralph Clare, K.B.	500	O	M
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Sir Henry Herbert	250		
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Sir Rowland Berkley	700		
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Sir Henry Spiller	400		L
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James Lyttleton, esq.		O	
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William Curteen, esq.	250		
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Henry Townshend, esq.	200	O	
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Samuel Sandys, esq.	1200		
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John Washbourne, esq.	250	O	M
-----------------------	-----	---	---

Edward Vernon, esq.		O	
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Sherrington Talbot, esq.	666		
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Francis Finch, esq.	300		
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Henry Ingram, esq.	200		I
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Thomas Savage of Elmley, esq.	500		
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B.R.L. 351506, Commissioners empowered to raise volunteers, 5 September 1642.

William Mucklow, esq.	200		
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Joseph Walsh of Abberley, esq.	180		
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Added from Finch-Hatton MS 133.

Ex officio members, such as the mayor of Worcester and the high sheriff of the county, have been excluded. Sir John Rous, Edward Pytts, Sir Gilbert Cornwall, William Childe and John Nanfan were appointed commissioners of array in July or September 1642 but they have not been included in the analysis of the financial and educational status of Royalist committeemen as they were, in fact, Parliamentarians.

JUSTICES OF THE PEACE

1644

Shrewsbury

George Blunt			I
Thomas Hornyold			
John Pakington, Bart.	2500		
John Winford	250	O	I
Edward Dingley	500	O	
Henry Townshend	200	O	
William Canning			
Robert Throckmorton			
William Habington			
Gilbert Gerard, Governor of Worcester.			
William Russell, knt.	1000	O	M
Martin Sandys		O	M
Edward Pytts	400		
Robert Wylde	400		
William Sheldon		O	M
Thomas Acton			
Rowland Berkeley	700	O	M
Ralph Clare, knt.	500	O	M
Samuel Sandys	1200		
Henry Ingram		O	I
Anthony Langston	325		

Source: Townshend, *Diary*, i, p.184. The justices listed above were those whom petitioned the King to be allowed to form an association of counties in December 1644; for symbols see *supra*, p.324.

APPENDIX III

PARLIAMENTARIAN OFFICIALS

WORCESTERSHIRE COUNTY COMMITTEES

- 1 Weekly Assessment, 24 February 1642/3.
- 2 Sequestration of Delinquents, 27 March 1642/3.
- 3 Levying of Money, 7 May 1643.
- 4 Levying of Money, 7 May 1643.
- 5 Reduction of Worcester, 23 September 1644.
- 6 General Assessment, 1 October 1644.
- 7 Assessment, 23 June 1647.
- 8 Assessment for Ireland, 16 February 1647/8.
- 9 General Assessment, 17 March 1647/8.
- 10 National Militia, 2 December 1648.
- 11 General Assessment, 7 April 1649.
- 12 Treason, 14 May 1649.
- 13 General Assessment, 7 December 1649.
- 14 General Assessment, 26 November 1650.
- 15 General Assessment, 10 December, 1652.
- 16 Scandalous Ministers, 28 August 1654.
- 17 General Assessment, 9 June 1657.
- 18 Militia, 26 July 1659.
- 19 General Assessment, 26 January, 1659/60.

In the following tables "a" indicates that the person against whose name it is placed was a member of the committee for the county of Worcester, "b" that he was a member of the committee for the city of Worcester.

Sources: C.H. Firth and R.S. Rait (eds.), *Acts and Ordinances of the Interregnum*, 3 vols, 1911; for symbols and sources relating to incomes and education see *supra*, pp.26, 36, 324.

COUNTY COMMITTEEMEN IN WORCESTERSHIRE

	Income	Univ.	Inn	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	
Acton, Nicholas	n.a.	O													a	a	a	a	a	a	a	a	J.P.
Alie, Theophilus	n.a.												b		b	b	b	b			ab	b	
Andrews, Theophilus	n.a.																			a	ab	a	J.P.
Ashton, Sir William	n.a.							ab	a														
Badger, Talbot	n.a.	O									a					a	a	a	a	a			J.P.
Baker, John	n.a.	C																			a		
Baker, Thomas	n.a.																				b		
Barker, []	n.a.																	a					
Barnsley, John	n.a.															a	a	a					J.P.
Bendy, William	n.a.	O																		ab			
Berry, James	n.a.																			ab			
Blick, Nicholas	n.a.																	a		a			
Bound, Thomas	n.a.																				ab		
Boylston, Edmond	n.a.																a	a					
Bridges, John	n.a.														a	a	a	a	a	a		a	J.P.
Broad, Henry	n.a.	O																	a				
Bromley, Henry (Holt)	1333	O																		a		a	J.P.
Bromley, Henry (Upton)	n.a.															a	a	a	a	a	ab	a	J.P.
Browne, William	n.a.																						

COUNTY COMMITTEEMEN

	Income	Univ.	Inn	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	
Bucke, Gervase	250	O								a	a				a	a	a	a	a	ab	ab	a	J.P.
Butler, John	n.a.																	a					
Careless, Anthony	n.a.																	b		b		b	
Cheatle, William	n.a.																			b	ab	b	
Colding, Edward	n.a.	O?																				a	
Collins, William	n.a.							ab	a	a	a	a	a	a	a	a	a	a	a	ab	ab	a	J.P.
Corbet, John	n.a.											a	a			a	a	a	a	a	ab	a	J.P.
Corbyn, John	n.a.																			a	ab	a	J.P.
Cornwallis, Charles	n.a.										a	a	a	a		a	a	a	a	a	ab	a	J.P.
Coventry, George	n.a.																					a	
Cowcher, John	200																b	b					
Cox, Edward	n.a.											b											
Craven, Sir William	n.a.	O													a	a	a						
Cresheld, Richard	275		L	a	a	a	a	ab	a	a	a	a											
Devereux, Sir Walter	n.a.							ab	a														
Dingley, Edward	500	O		a	a	a	a			a													
Dingley, Samuel	n.a.															a	a	a	a				
Dingley, William	150									a	a	ab	a	a	b	ab	ab	ab					
Dobbins, Daniel	200							ab	a	b	b	a	a	a	a	a	a	a					
Dormer, John	n.a.							ab	a	a	a	a	a			a	a	a	a	ab	a	J.P.	

COUNTY COMMITTEEMEN

	Income	Univ.	Inn	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
Earle, Basil	n.a.							ab														J.P.
Egioc, John	150																					a
Elton, Ambrose	n.a.	O			a																	
Elvins, Edward	150																					
Estop, Foulke	150																					
Foley, Richard	n.a.																					
Foley, Thomas	n.a.																					J.P.
Ford, Henry	200																					
Fownes, John	n.a.																					
Fox, John	n.a.																					
Frankes, Francis	50																					
Gardner, Samuel	275																					
Gervis, Sir Thomas	n.a.																					
Gheste, Charles	n.a.																					
Giles, Edmond (sen.)	n.a.																					J.P.
Giles, Edmond (jun.)	n.a.																					
Giles, John	n.a.																					
Giles, Walter	n.a.																					
Gorl, Robert	n.a.																					

COUNTY COMMITTEEMEN

	Income	Univ.	Inn	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
Graves, Richard	n.a.	L																		a		a J.P.
Graves, Thomas	350		a	a	a	a			a	a												
Greswold, Humphrey	150										a	a										J.P.
Hackett, Thomas	150																			b		
Halford, John	n.a.													a		a						
Hall, Thomas	n.a.																			b		
Harley, Sir Robert	n.a.							ab	a													
Harris, Nicholas	n.a.																			a		
Harrison, Thomas	n.a.	O ¹	M																	b		
Haylor, John	n.a.																		a			
Heming, Richard	200																			b		b
Hickes, William	n.a.	O													a	a	a					
Higgins, John	150																			b		
Hopkins, William	n.a.									a												
Howard, Lord Edward	n.a.							ab														
Hunt, Henry	n.a.	O						ab	a	a	a											
James, John	250												a	a		a	a	a			ab	
Jefferies, Henry	n.a.																					a
Jefferies, William	300		a	a	a	a							a	a	a	a	a	a		a		a J.P.

1 Honorary admission.

COUNTY COMMITTEEMEN

	Income	Univ.	Inn	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
Jolly, Thomas	n.a.									a	a	a	a	a	a	a	a	a	a	a	a	J.P.
Juce, Richard	n.a.																			b		
Keite, John	n.a.																					J.P.
Knightley, Samuel	n.a.							ab	a													
Lathum, John	200																					J.P.
Lechmere, Nicholas	n.a.							ab	a	a	a	a	a	a	a	a	a	a	a	a	ab	a
Lench, Ralph	n.a.																					J.P.
Lloyd, Arthur	n.a.																					
Ligon, William	1000																					J.P.
Martin, Thomas	n.a.																					
Martin, William	250																					
Mathews, Henry	n.a.																					
Milward, Thomas	100	O	L					ab	a	a	a	a	a	a	a	a	a	a	a	a	ab	a
Moore, Edward	n.a.																				ab	a
Moore, William	n.a.							ab	a	a	a	a	a	a	a	a	a	a	a		ab	J.P.
Nanfan, John	150																					J.P.
Nash, John	200							ab	a	b	b	b	b	b	b	b	b	b	b	b		J.P.
Overbury, Sir Giles	n.a.	O	M					ab	a													
Pardow, William	n.a.																					b
Parsons, Philip	150																					

COUNTY COMMITTEEMEN

Income	Univ.	Inn	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
Penrice, John	100						ab	a													
Philipps, Henry	150		b	b	b							b	b	b	a						
Philips, John	n.a.																				
Pytts, Edward	400		a	a	a	a		a	a	a	a	a	a	a	a	ab	a	ab	ab	ab	J.P.
Rawlins, Thomas	n.a.	O																			
Rea, John	n.a.		b	b	b																
Roberts, John	n.a.																			ab	
Roberts, Thomas	n.a.																				
Rous, Edward	n.a.	O					ab	a													
Rous, Sir Thomas	800	O						a	a	a	a	a	a	a	a	a	a	a	a	ab	a
Salway, Edward	n.a.	O																	a	ab	a
Salway, Humphrey	350	O	a	a	a	a	ab	a	a	a	ab	a	a	a	a	a	a				J.P.
Salway, Richard	n.a.	I					ab	a												ab	J.P.
Samback, Sir William	150																				J.P.
Savage, Walter	n.a.																				J.P.
Say, John	n.a.																				J.P.
Say, William	n.a.	O																			J.P.
Scott, William	n.a.																				J.P.
Seaborn, Roger	200																				J.P.
Smith, Edward	n.a.		b	b	b																J.P.
Stephens, William	n.a.	O																			J.P.

COUNTY COMMITTEEMEN

	Income	Univ.	Inn.	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
Solley, Thomas	n.a.																	b				
Street, Francis	n.a.	O	M												b	b	b	b				J.P.
Stirrup, Robert	n.a.									b	b	b	b	b								
Symons, George	n.a.														a	a	a					
Symonds, Thomas	62	O								a	a									a	ab	
Taylor, James	150									b	b											
Thomas, Edward	n.a.									a	a											
Vernon, Richard	n.a.																					
Wells, Thomas	n.a.																			a	ab	J.P.
Westroe, Thomas	n.a.																			b		
Wilde, Edmond	n.a.									a	a	a	a	a	a	a	a	a			ab	J.P.
Wilde, George	75	O	I						ab	a					a							J.P.
Wilde, John	500	O	I	a	a	a	a	ab	a	ab	ab	ab	a	a	a	a	a	a	a	a	ab	J.P.
Wilkey, Nicholas	n.a.									b	b											
Young, Edmond	n.a.							ab	a													
Young, Thomas	n.a.							ab	a	a	a	a	a	a	a	a	a	a	a	a		J.P.

SOCIAL AND ECONOMIC ANALYSIS OF THE COUNTY COMMITTEE

	Size		Average Income		Attended University		Attended Inn		Attended Both		Attended Either		Peers		Baronets & Knights		Esquires		Gentlemen	
	n	%	n	£ p.a.	n	%	n	%	n	%	n	%	n	%	n	%	n	%	n	%
1	8		7	382.14	3	37.50	3	37.50	2	25.00	4	50.00	0	0.00	0	0.00	8	100.00	0	0.00
2	7		7	382.14	3	42.86	3	42.86	2	28.57	4	57.14	0	0.00	0	0.00	7	100.00	0	0.00
3	8		7	382.14	3	37.50	3	37.50	2	25.00	4	50.00	0	0.00	0	0.00	8	100.00	0	0.00
4	7		7	382.14	3	42.86	3	42.86	2	28.57	4	57.14	0	0.00	0	0.00	7	100.00	0	0.00
5	32		10	232.50	10	31.25	11	34.38	8	25.00	13	40.63	2	6.25	5	15.63	14	43.75	11	34.38
6	30		10	232.50	10	33.33	11	36.67	8	26.66	13	43.34	0	0.00	5	16.67	14	46.67	11	36.67
7	28		14	363.36	12	42.86	9	32.14	6	21.43	15	53.57	0	0.00	1	3.58	18	64.29	9	32.14
8	32		17	327.18	11	34.38	11	34.38	6	18.80	16	50.00	0	0.00	1	3.13	21	65.62	10	31.25
9	10		6	362.50	2	20.00	2	20.00	0	0.00	4	40.00	0	0.00	0	0.00	6	60.00	4	40.00
10	29		17	329.69	8	27.60	10	34.48	7	24.10	11	37.93	0	0.00	2	6.90	24	82.75	3	10.34
11	29		14	332.14	10	34.48	10	34.48	7	24.10	13	44.82	0	0.00	2	6.90	21	72.41	6	20.69
12	15		6	308.33	4	26.67	4	26.67	1	6.67	7	46.67	0	0.00	2	13.33	8	53.33	5	33.33
13	46		19	300.00	16	34.78	12	26.09	7	15.22	21	45.65	0	0.00	3	6.52	32	69.56	11	23.91
14	46		18	308.33	15	32.60	12	26.09	7	15.22	20	43.48	0	0.00	3	6.52	30	65.22	13	28.26
15	37		15	330.00	11	29.73	9	24.32	5	13.50	15	40.54	0	0.00	2	5.40	28	75.68	7	18.92
16	24		8	318.75	6	25.00	4	16.67	3	12.50	7	29.17	0	0.00	1	4.17	10	41.67	13	54.17
17	40		13	441.92	13	32.50	11	27.50	6	15.00	18	45.00	0	0.00	1	2.50	27	67.50	12	30.00
18	32		9	390.22	10	31.25	9	28.13	5	15.63	14	43.75	0	0.00	1	3.13	15	46.88	16	50.00
19	37		12	473.58	13	35.14	13	35.14	6	16.21	20	54.05	0	0.00	1	2.70	27	72.97	9	24.33

JUSTICES OF THE PEACE, 1647-1657

	Incomes £ p.a.	Univ.	Inn	16 47	16 48	16 49	16 50	16 51	16 52	16 53	16 54	16 55	16 56	16 57
Acton, Nicholas	O			4			12	12	4		8	2	3	3
Andrews, Theophilus														x
Badger, Talbot				x				x	4		8	8	5	x
Bagshaw, Arthur	100								x			x		
Barnsley, John								x						
Barnsley, William									x					
Bound, Thomas										x				
Bridges, John				x			12	12	16		2	x		x
Bromley, Henry of Holt	1333	O	I									5	11	8
Bromley, Henry of Upton				x			x	16	8		8	8	10	7
Bucke, Gervase	250	O		8			16	16	16		8	8	10	10
Childe, Thomas		C	I				x							
Collins, William									x			x		7
Cookes, Thomas	250	O	I	x			x	x	x					
Cookes, William				x			x							
Corbet, John				x			x	x	x			x		x
Corbin, John										x				
Cornwallis, Charles					3	12	4	x	x					
Craven, Sir William				x										
Dingley, Edward	500	O												x

JUSTICES OF THE PEACE, 1647-1657

	Incomes £.p.a.	Univ.	Inn	16 47	16 48	16 49	16 50	16 51	16 52	16 53	16 54	16 55	16 56	16 57
Dingley, William	150			10		12	16	16	16					
Dormer, John						x	x	x	x			x		x
Eglock, John	150		L				8	16	4			x		x
Fones, John														x
Good, Thomas		O				8								
Graves, Richard											2	8	2	x
Graves, Thomas	350					x	x							
Greswold, Humphrey									x			x		x
Gyles, Edmund									x			x		x
Hill, Henry									x					
James, John	250					x	x	x	x			x		x
Jeffreys, William	300			10	16	8	12	16		8	8	8	9	5
Jolly, Thomas				10	16	x	x					x		x
Keite, John						x	12	16	12	4	x	x		x
Latham, John	200			10	6	12	16	16	16	4	3	8	8	2
Lench, John	125	O					x	x	x					
Lechmere, Nicholas		O	M			8	4	x	8	6	x	3	3	8
Ligon, William						x	12	x	12			x		x
Lyttleton, Sir Henry	1500	O										x		x
Martin, William	275								x					

JUSTICES OF THE PEACE, 1647-1657

	Incomes £ p.a.	Univ.	Inn	16 47	16 48	16 49	16 50	16 51	16 52	16 53	16 54	16 55	16 56	16 57
Mason, Benjamin														x
Millward, Thomas	100	O	L		8	16	16	16	12		10	3	8	8
More, William						x								
Nanfan, John	150				8	16	16	16	16		8	2	5	x
Nicholets, Richard									x					
Overbury, Sir Thomas		O	M											x
Palmer, Anthony									x					
Parsons, Philip	150													
Pytts, Edward	400				12	16	12	12	12		2	2	3	4
Rous, Sir Thomas	800	O	M	10	x	8	x	x	12		4	2		5
Salway, Edward		O	I									x		x
Salway, Humphrey	350	O	I	4	x	x	x	x	x					
Salway, Richard			I						x			x		3
Salway, Thomas									x					
Sambach, Anthony									x					
Sambach, Sir William	150				x	12	8					x		
Savage, Walter			M											5

JUSTICES OF THE PEACE, 1647-1657

	Incomes £ p.a.	Univ.	Inn	16 47	16 48	16 49	16 50	16 51	16 52	16 53	16 54	16 55	16 56	16 57
Streete, Francis		O	M			x	x							
Talbot, John							x	x	x					
Vernon, Richard			M				x	x	4		x			x
Westrow, Thomas						x	x	x	x					
Wilde, Edmund						x	x	x	x		x			x
Wilde, George	75	O	I	7		x								
Wilde, John	500	O	I	7					x		x			
Young, Thomas									x			x		

x means that the person against whose name it appears was a J.P. but did not attend quarter sessions in the year under which it is placed. Sources: 1649 C.193/13/3 (commission issued between 3 January and 15 February 1649/50); 1650 *The names of the justices of peace* . . . *this Michaelmas term, 1650*, London, T. Walkeley, 1650 (T.T. E.1238 (4)); 1651 B.M Stowe MS.577. The names of the justices of peace for England and Wales, 1 March 1651/2; 1652 C.193/13/4, 11-15 May 1652 with amendments extending into 1653. All J.P.s whose names appear on this list have been included even if they died or were excluded after the original issue; S.P.18/95/72 III, Worcestershire J.P.s March 1655. (This list is not recorded by Barnes and Smith, *loc.cit.*, pp.239-40); 1657 C.193/13/5. J.P.s C. September 1656 to March-April 1657. Updated to 1657 for Worcestershire.

Number in column under date indicates number of days the magistrate against whose name it appears attended sessions. Source; E.372 and E.370/71/4876. No information has been discovered for 1653, 1658 and 1659.

ECONOMIC AND EDUCATIONAL ANALYSIS OF THE COMMISSION OF THE PEACE

	Size	Average Income	n	£ p.a.	n	%	Attended University	n	%	Attended Both	n	%	Attended Either	n	%
1649	30	318.33	15		12	40.00	8	26.67	7	23.33	13	43.33			
1650	35	310.94	16		12	34.28	10	28.57	7 20.00	15	42.86				
1651	29	308.33	15		10	34.48	8	27.59	5	17.24	13	44.83			
1652	41	255.88	17		9	21.59	9	21.59	4	9.76	14	34.15			
1655	35	478.86	15		11	31.42	12	34.29	6	17.14	17	48.57			
1657	38	505.53	15		12	31.58	13	34.21	6	15.79	19	50.00			

Dignitaries have been excluded from all calculations. John Wilde is included for the years in which he was a member of the working commission, but otherwise excluded.

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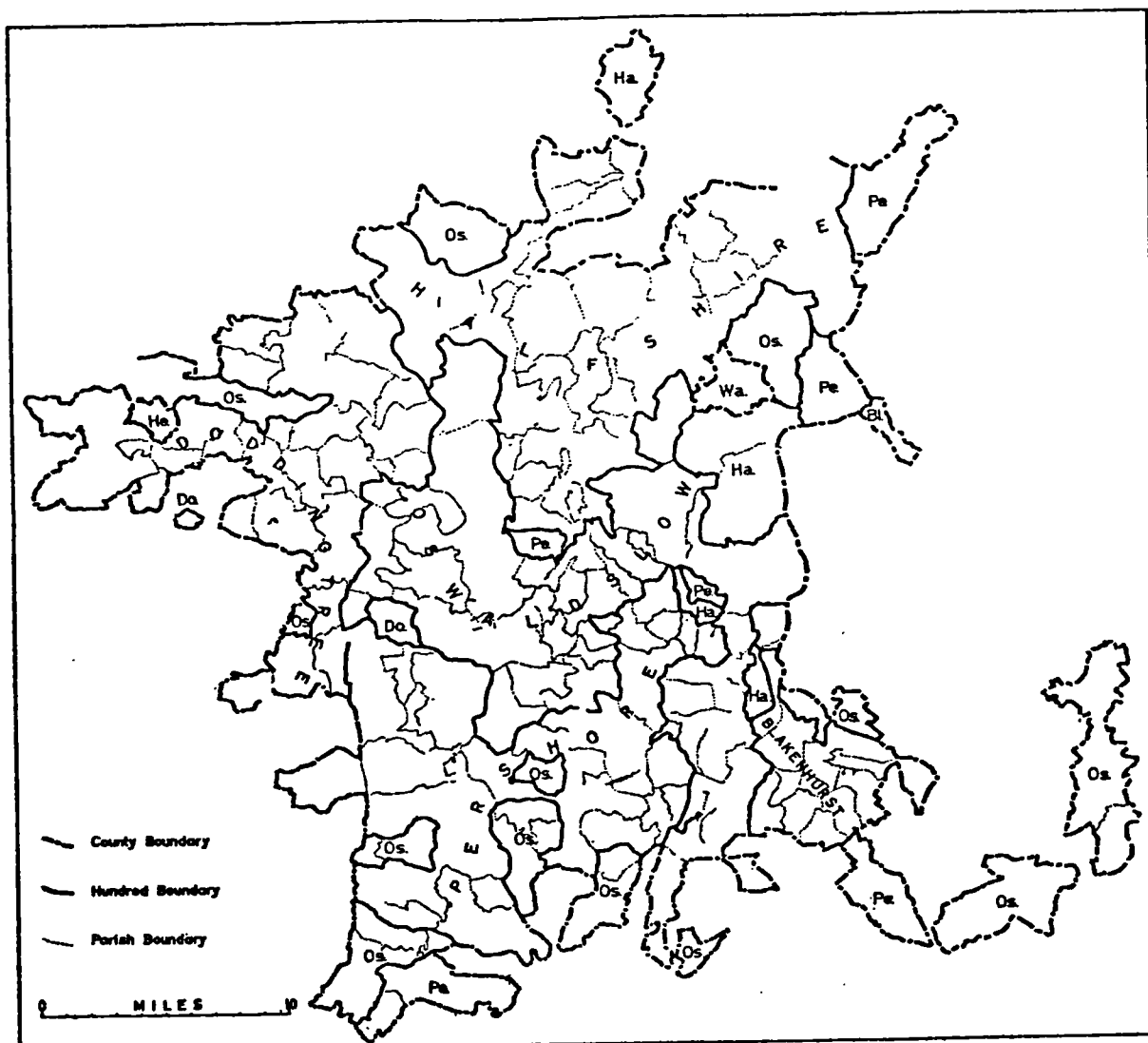
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Administrative areas as they existed prior to the Victorian boundary changes. Source: J.B. Harley, *Christopher Greenwood, County Map Maker, and his Worcestershire Map of 1822*, Worcestershire Historical Society, 1962, p.42.